

# JOURNAL OF THE HOUSE

SECOND REGULAR SESSION, 90th GENERAL ASSEMBLY

---

SIXTY-EIGHTH DAY, MONDAY, MAY 8, 2000

Speaker Gaw in the Chair.

Prayer by Ralph Robinett, Sergeant at Arms.

Lord, You have invited us to cast our burdens upon You and have promised to care for us. Help us to face our challenges with the calm assurance that You are with us. Give us the peace and strength to make it through this week. In Jesus' name. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Lester Dial, Keslie Hays, MaRyah Cockrell, Katie Forsyth, Travis Harvey, Dustin Carmack, Lucas Appling, Aaron Briscoe, Amanda Mobley, Rachel Sander, Stephanie Whitter and Tara Green.

The Journal of the sixty-seventh day was approved as corrected by the following vote:

AYES: 081

Abel	Auer	Backer	Barry 100	Berkowitz
Bonner	Boykins	Bray 84	Britt	Brooks
Campbell	Clayton	Crump	Curls	Davis 122
Davis 63	Days	Dougherty	Farnen	Fitzwater
Foley	Ford	Franklin	Gambaro	George
Graham 24	Gratz	Green	Gunn	Hagan-Harrell
Hampton	Harlan	Hickey	Hilgemann	Hollingsworth
Hoppe	Hosmer	Kelly 27	Kennedy	Kissell
Klindt	Koller	Kreider	Lakin	Lawson
Leake	Liese	Luetkenhaus	May 108	McKenna
Merideth	Monaco	Murray	O'Connor	O'Toole
Overschmidt	Parker	Ransdall	Relford	Reynolds
Riley	Rizzo	Scheve	Schilling	Seigfreid
Selby	Shelton	Skaggs	Smith	Thompson
Treadway	Troupe	Van Zandt	Wagner	Ward
Wiggins	Williams 121	Williams 159	Wilson 25	Wilson 42
Mr. Speaker				

NOES: 065

Akin	Alter	Ballard	Barnett	Bartelsmeyer
Bartle	Bennett	Black	Blunt	Boatright
Champion	Chrismer	Cierpiot	Crawford	Dolan
Elliott	Evans	Foster	Froelker	Gibbons
Graham 106	Griesheimer	Gross	Hanaway	Hartzler 124
Hegeman	Hendrickson	Hohulin	Howerton	Kelley 47
King	Legan	Levin	Linton	Lograsso
Long	Loudon	Luetkemeyer	Marble	McClelland
Miller	Murphy	Myers	Naeger	Nordwald

Ostmann	Patek	Phillips	Pouche 30	Pryor
Purgason	Reinhart	Richardson	Ridgeway	Robirds
Ross	Sallee	Schwab	Scott	Secrest
Shields	Surface	Tudor	Vogel	Wright

PRESENT: 001

Reid

ABSENT WITH LEAVE: 015

Berkstresser	Boucher 48	Burton	Enz	Fraser
Gaskill	Hartzler 123	Holand	Kasten	Mays 50
McBride	McLuckie	Stokan	Summers	Townley

VACANCIES: 001

## RESOLUTION

Representative Riback Wilson (25) offered House Resolution No. 1541.

### HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1522

through

House Resolution No. 1524 - Representative Linton

House Resolution No. 1525 - Representative McKenna

House Resolution No. 1526 - Representative Hagan-Harrell

House Resolution No. 1527 - Representative Hanaway

House Resolution No. 1528

through

House Resolution No. 1540 - Representative Relford

House Resolution No. 1542

and

House Resolution No. 1543 - Representative Patek

### REFERRAL OF SENATE BILL

The following Senate Bill was referred to the Committee indicated:

**HCS SS SCS SB 926** - Fiscal Review (Fiscal Note)

### BILL CARRYING REQUEST MESSAGE

**HS HCS SB 788, as amended**, relating to employee rights, was taken up by Representative Barry.

Representative Barry moved that the House refuse to recede from its position on **HS HCS SB 788, as amended**, and grant the Senate a conference.

Which motion was adopted.

### THIRD READING OF SENATE CONCURRENT RESOLUTIONS

**SCR 38**, relating to building code implementation, was taken up by Representative Kreider.

Representative Legan offered **House Amendment No. 1**.

#### *House Amendment No. 1*

AMEND Senate Concurrent Resolution No. 38, of Senate Journal for the Fifty-Second Day of Monday, April 10, 2000, Page 648, Lines 1-3, by deleting all of said lines; and

Further amend said resolution, Page 648, Line 24, by immediately inserting after the word “**obligations**” the following:

**“and four additional citizen members shall be appointed to the commission consisting of two home builders-urban and two home builders-rural before the commission is scheduled for their next meeting.”.**

On motion of Representative Legan, **House Amendment No. 1** was adopted.

On motion of Representative Kreider, **SCR 38, as amended**, was read the third time and passed by the following vote:

AYES: 148

Abel	Akin	Alter	Auer	Backer
Ballard	Barnett	Barry 100	Bartle	Bennett
Berkowitz	Berkstresser	Black	Blunt	Boatright
Bonner	Boykins	Bray 84	Britt	Brooks
Campbell	Champion	Chrismer	Cierpiot	Clayton
Crawford	Crump	Curls	Davis 122	Davis 63
Days	Dolan	Dougherty	Elliott	Enz
Evans	Farnen	Fitzwater	Foley	Ford
Foster	Franklin	Fraser	Froelker	Gambaro
Gaskill	George	Graham 106	Graham 24	Gratz
Green	Griesheimer	Gross	Gunn	Hagan-Harrell
Hampton	Hanaway	Hegeman	Hendrickson	Hickey
Hilgemann	Hollingsworth	Hoppe	Howerton	Kasten
Kelley 47	Kelly 27	Kennedy	King	Kissell
Klindt	Koller	Kreider	Lakin	Lawson
Leake	Legan	Levin	Liese	Linton
Long	Loudon	Luetkemeyer	Luetkenhaus	Marble
May 108	Mays 50	McClelland	McKenna	McLuckie
Merideth	Miller	Monaco	Murphy	Murray
Myers	Naeger	Nordwald	O'Connor	O'Toole
Ostmann	Overschmidt	Parker	Patek	Phillips
Pouche 30	Pryor	Purgason	Ransdall	Reid
Reinhart	Reford	Reynolds	Richardson	Ridgeway
Riley	Rizzo	Robirds	Ross	Sallee
Scheve	Schilling	Schwab	Scott	Secrest
Seigfreid	Selby	Shelton	Shields	Skaggs
Smith	Summers	Surface	Thompson	Treadway
Troupe	Tudor	Van Zandt	Vogel	Wagner
Ward	Wiggins	Williams 121	Williams 159	Wilson 25
Wilson 42	Wright	Mr. Speaker		

NOES: 002

Hartzler 124 Hohulin

PRESENT: 000

ABSENT WITH LEAVE: 012

Bartelsmeyer	Boucher 48	Burton	Gibbons	Harlan
Hartzler 123	Holand	Hosmer	Lograsso	McBride
Stokan	Townley			

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Berkowitz, title to the bill was agreed to.

Representative Campbell moved that the vote by which the bill passed be reconsidered.

Representative Davis (122) moved that motion lay on the table.

The latter motion prevailed.

**SCR 29**, relating to sales use tax, was taken up by Representative Bray.

On motion of Representative Bray, **SCR 29** was read the third time and passed by the following vote:

AYES: 144

Abel	Akin	Alter	Auer	Backer
Ballard	Barnett	Barry 100	Bartelsmeyer	Bennett
Berkowitz	Berkstresser	Black	Blunt	Bonner
Boucher 48	Boykins	Bray 84	Britt	Brooks
Campbell	Champion	Chrismer	Cierpiot	Clayton
Crawford	Crump	Curts	Davis 122	Davis 63
Days	Dolan	Dougherty	Elliott	Enz
Farnen	Fitzwater	Foley	Ford	Foster
Franklin	Fraser	Froelker	Gambaro	Gaskill
George	Gibbons	Graham 106	Graham 24	Gratz
Green	Griesheimer	Gunn	Hagan-Harrell	Hampton
Harlan	Hartzler 123	Hartzler 124	Hegeman	Hickey
Hilgemann	Hollingsworth	Hoppe	Hosmer	Howerton
Kasten	Kelley 47	Kelly 27	Kennedy	King
Kissell	Klindt	Koller	Kreider	Lakin
Lawson	Leake	Legan	Liese	Linton
Lograsso	Long	Loudon	Luetkemeyer	Luetkenhaus
May 108	Mays 50	McClelland	McKenna	McLuckie
Merideth	Miller	Monaco	Murray	Myers
Naeger	Nordwald	O'Connor	O'Toole	Ostmann
Overschmidt	Parker	Patek	Pouche 30	Pryor
Purgason	Ransdall	Reid	Reinhart	Relford
Reynolds	Richardson	Ridgeway	Riley	Rizzo
Roberts	Ross	Sallee	Scheve	Schilling
Schwab	Scott	Secrest	Seigfreid	Selby
Shelton	Shields	Skaggs	Smith	Summers
Surface	Thompson	Treadway	Tudor	Vogel
Wagner	Ward	Wiggins	Williams 121	Williams 159
Wilson 25	Wilson 42	Wright	Mr. Speaker	

NOES: 011

Bartle	Boatright	Evans	Gross	Hanaway
Hendrickson	Hohulin	Marble	Murphy	Phillips
Troupe				

PRESENT: 000

ABSENT WITH LEAVE: 007

Burton	Holand	Levin	McBride	Stokan
Townley	Van Zandt			

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative McLuckie, title to the bill was agreed to.

Representative Riley moved that the vote by which the bill passed be reconsidered.

Representative Lakin moved that motion lay on the table.

The latter motion prevailed.

### **BILL CARRYING REQUEST MESSAGE**

**HS HCS SB 856, as amended**, relating to regulation of managed care, was taken up by Representative Harlan.

Representative Harlan moved that the House refuse to recede from its position on **HS HCS SB 856, as amended**, and grant the Senate a conference.

Which motion was adopted.

### **APPOINTMENT OF CONFERENCE COMMITTEES**

The Speaker appointed the following Conference Committees to act with like committees from the Senate on the following bills:

**HS HCS SB 788:** Representatives Barry, Kennedy, Graham (24), Tudor and Bartelsmeyer

**HS HCS SB 856:** Representatives Harlan, Foley, Wilson (42), Reinhart and Shields

### **MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 1396**, entitled:

An act to repeal sections 172.360, 174.620 and 175.021, RSMo 1994, and sections 172.020, 172.037, 174.610 and 175.020, RSMo Supp. 1999, relating to public schools, and to enact in lieu thereof fifteen new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HS HCS SB 788, as amended**: Senators Johnson, Maxwell, Wiggins, Singleton and Sims.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HS HCS SB 856, as amended**: Senators Maxwell, Wiggins, Carter, Singleton and Bentley.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 1142, as amended**, and has taken up and passed **CCS SCS HCS HB 1142**.

### THIRD READING OF HOUSE CONCURRENT RESOLUTIONS

**HCR 23**, relating to sales and use tax, was stricken from the calendar.

**HCR 28**, relating to “KC 150 Day”, was taken up by Representative Van Zandt.

On motion of Representative Van Zandt, **HCR 28** was read the third time and passed by the following vote:

AYES: 154

Abel	Akin	Alter	Auer	Backer
Ballard	Barnett	Barry 100	Bartelsmeyer	Bartle
Bennett	Berkowitz	Berkstresser	Black	Blunt
Boatright	Bonner	Boucher 48	Boykins	Bray 84
Britt	Brooks	Campbell	Champion	Chrismer
Cierpiot	Clayton	Crump	Curls	Davis 122
Davis 63	Days	Dolan	Dougherty	Elliott
Enz	Evans	Farnen	Fitzwater	Foley
Ford	Foster	Franklin	Fraser	Froelker
Gambaro	Gaskill	George	Gibbons	Graham 106
Graham 24	Gratz	Green	Griesheimer	Gross
Gunn	Hagan-Harrell	Hampton	Hanaway	Harlan
Hartzler 123	Hartzler 124	Hegeman	Hendrickson	Hickey
Hilgemann	Hohulin	Hollingsworth	Hoppe	Howerton
Kasten	Kelley 47	Kelly 27	Kennedy	King
Kissell	Klindt	Koller	Kreider	Lakin
Lawson	Leake	Legan	Levin	Liese
Linton	Lograsso	Long	Loudon	Luetkemeyer
Luetkenhaus	Marble	May 108	Mays 50	McClelland
McKenna	McLuckie	Merideth	Miller	Monaco
Murphy	Murray	Myers	Naeger	Nordwald
O'Connor	O'Toole	Ostmann	Overschmidt	Parker
Phillips	Pouche 30	Pryor	Purgason	Ransdall
Reid	Reinhart	Relford	Reynolds	Richardson
Ridgeway	Riley	Rizzo	Robirds	Ross
Sallee	Scheve	Schilling	Schwab	Scott
Secrest	Seigfreid	Selby	Shelton	Shields
Skaggs	Smith	Summers	Surface	Thompson
Treadway	Troupe	Tudor	Van Zandt	Vogel
Wagner	Ward	Wiggins	Williams 121	Williams 159
Wilson 25	Wilson 42	Wright	Mr. Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Burton	Crawford	Holand	Hosmer	McBride
Patek	Stokan	Townley		

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Britt, title to the bill was agreed to.

Representative Clayton moved that the vote by which the bill passed be reconsidered.

Representative Curls moved that motion lay on the table.

The latter motion prevailed.

**HCR 34**, relating to acts of the second regular session, was taken up by Representative Clayton.

On motion of Representative Clayton, **HCR 34** was read the third time and passed by the following vote:

AYES: 153

Abel	Akin	Alter	Auer	Backer
Ballard	Barnett	Barry 100	Bartelsmeyer	Bartle
Bennett	Berkowitz	Berkstresser	Black	Blunt
Boatright	Bonner	Boucher 48	Boykins	Bray 84
Britt	Brooks	Campbell	Champion	Chrismer
Cierpiot	Clayton	Crawford	Crump	Curls
Davis 122	Davis 63	Days	Dolan	Dougherty
Elliott	Enz	Evans	Farnen	Fitzwater
Foley	Ford	Foster	Franklin	Fraser
Froelker	Gambara	Gaskill	George	Gibbons
Graham 106	Graham 24	Gratz	Green	Griesheimer
Gross	Gunn	Hagan-Harrell	Hampton	Hanaway
Hartzler 124	Hegeman	Hendrickson	Hickey	Hilgemann
Hohulin	Hollingsworth	Hoppe	Howerton	Kasten
Kelley 47	Kelly 27	Kennedy	King	Kissell
Klindt	Koller	Kreider	Lakin	Lawson
Leake	Legan	Levin	Liese	Linton
Lograsso	Long	Loudon	Luetkemeyer	Luetkenhaus
Marble	May 108	Mays 50	McClelland	McKenna
McLuckie	Merideth	Miller	Monaco	Murphy
Murray	Myers	Naeger	Nordwald	O'Connor
O'Toole	Ostmann	Overschmidt	Parker	Patek
Phillips	Pouche 30	Pryor	Purgason	Ransdall
Reid	Reinhart	Relford	Reynolds	Richardson
Ridgeway	Riley	Rizzo	Robirds	Ross
Scheve	Schilling	Schwab	Scott	Secrest
Seigfreid	Selby	Shelton	Shields	Skaggs
Smith	Summers	Surface	Thompson	Treadway
Troupe	Tudor	Van Zandt	Vogel	Wagner
Ward	Wiggins	Williams 121	Williams 159	Wilson 25
Wilson 42	Wright	Mr. Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Burton	Harlan	Hartzler 123	Holand	Hosmer
McBride	Sallee	Stokan	Townley	

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Treadway, title to the bill was agreed to.

Representative Selby moved that the vote by which the bill passed be reconsidered.

Representative Relford moved that motion lay on the table.

The latter motion prevailed.

### THIRD READING OF SENATE BILLS

**HCS SB 896, with House Amendment No. 7 and HS, as amended, pending,** relating to business organizations, was taken up by Representative May (108).

**House Amendment No. 7** was withdrawn.

Representative Gibbons offered **House Amendment No. 7**.

Representative May (108) raised a point of order that **House Amendment No. 7** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Levin offered **House Amendment No. 7**.

Representative May (108) raised a point of order that **House Amendment No. 7** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Backer offered **House Amendment No. 7**.

Representative Reid raised a point of order that **House Amendment No. 7** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Pouche offered **House Amendment No. 7.**

*House Amendment No. 7*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 896, Page 116, Section 365.020, by inserting after said section:

“367.031. 1. At the time of making any secured personal credit loan, the lender shall execute and deliver to the borrower a receipt for and describing the tangible personal property subjected to the security interest to secure the payment of the loan. The receipt shall contain the following:

- (1) The name and address of the pawnshop;
- (2) The name and address of the pledgor, the pledgor's description, and the driver's license number, military identification number, identification certificate number, or other official number capable of identifying the pledgor;
- (3) The date of the transaction;
- (4) An identification and description of the pledged goods, including serial numbers if reasonably available;
- (5) The amount of cash advanced or credit extended to the pledgor;
- (6) The amount of the pawn service charge;
- (7) The total amount which must be paid to redeem the pledged goods on the maturity date;
- (8) The maturity date of the pawn transaction; and
- (9) A statement to the effect that the pledgor is not obligated to redeem the pledged goods, and that the pledged goods may be forfeited to the pawnbroker sixty days after the specified maturity date.

2. The pawnbroker [may be required, in accordance with local ordinances, to] **shall** furnish local law enforcement authorities with copies of information contained in subdivisions (1) to (4) of subsection 1 of this section, **upon request.**

3. If the pawn ticket is lost, destroyed, or stolen, the pledgor may so notify the pawnbroker in writing, and receipt of such notice shall invalidate such pawn ticket, if the pledged goods have not previously been redeemed. Before delivering the pledged goods or issuing a new pawn ticket, the pawnbroker shall require the pledgor to make a written affidavit of the loss, destruction or theft of the ticket. The pawnbroker shall record on the written statement the identifying information required, the date the statement is given, and the number of the pawn ticket lost, destroyed, or stolen. The affidavit shall be signed by a notary public appointed by the secretary of state pursuant to section 486.205, RSMo, to perform notarial acts in this state.”; and

Further amend the title and enacting clause accordingly.

Representative Monaco raised a point of order that **House Amendment No. 7** goes beyond the scope and is not germane to the bill.

The Chair ruled the point of order not well taken.

Representative Skaggs offered **House Substitute Amendment No. 1 for House Amendment No. 7.**

*House Substitute Amendment No. 1  
for  
House Amendment No. 7*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 896, Page 116, Section 365.020, by inserting after said section the following:

“367.031. 1. At the time of making any secured personal credit loan, the lender shall execute and deliver to the borrower a receipt for and describing the tangible personal property subjected to the security interest to secure the payment of the loan. The receipt shall contain the following:

- (1) The name and address of the pawnshop;
- (2) The name and address of the pledgor, the pledgor's description, and the driver's license number, military identification number, identification certificate number, or other official number capable of identifying the pledgor;
- (3) The date of the transaction;
- (4) An identification and description of the pledged goods, including serial numbers if reasonably available;
- (5) The amount of cash advanced or credit extended to the pledgor;
- (6) The amount of the pawn service charge;
- (7) The total amount which must be paid to redeem the pledged goods on the maturity date;
- (8) The maturity date of the pawn transaction; and
- (9) A statement to the effect that the pledgor is not obligated to redeem the pledged goods, and that the pledged goods may be forfeited to the pawnbroker sixty days after the specified maturity date.

2. The pawnbroker [may be required, in accordance with local ordinances, to] **shall** furnish local law enforcement authorities with copies of information contained in subdivisions (1), **3** [to] **and** (4) of subsection 1 of this section, **upon request[.] if the property in question is determined to be stolen, the pawnbroker shall provide law enforcement with the information contained in subdivision (2) of subsection 1 of this section.**

3. If the pawn ticket is lost, destroyed, or stolen, the pledgor may so notify the pawnbroker in writing, and receipt of such notice shall invalidate such pawn ticket, if the pledged goods have not previously been redeemed. Before delivering the pledged goods or issuing a new pawn ticket, the pawnbroker shall require the pledgor to make a written affidavit of the loss, destruction or theft of the ticket. The pawnbroker shall record on the written statement the identifying information required, the date the statement is given, and the number of the pawn ticket lost, destroyed, or stolen. The affidavit shall be signed by a notary public appointed by the secretary of state pursuant to section 486.205, RSMo, to perform notarial acts in this state.”; and

Further amend the title and enacting clause accordingly.

On motion of Representative Skaggs, **House Substitute Amendment No. 1 for House Amendment No. 7** was adopted.

Representative Monaco offered **House Amendment No. 8.**

*House Amendment No. 8*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 896, Page 41, Section 351.482, Line 10, by deleting said line and inserting in lieu thereof the following:

**“(3) At the request of the corporation, be published by the Secretary of State in an electronic format accessible to the public.”.**

On motion of Representative Monaco, **House Amendment No. 8** was adopted.

Representative Fraser offered **House Amendment No. 9.**

*House Amendment No. 9*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 896, Page 147, Section 2, Line 12, by inserting after said line the following:

**"Section 3. 1. As used in this section, the terms "consumer" and "person" shall have the same meaning as in the definition section of the Federal Fair Credit Reporting Act, 15 U.S.C. 1681a, as amended.**

**2. The provisions of this section shall be in addition to the provisions of the Federal Fair Credit Reporting Act, 15 U.S.C. 1681 et. seq., as amended, and, pursuant to 15 U.S.C. 1681t(a), as amended, the provisions of the Federal Fair Credit Reporting Act, or any other applicable federal law, shall control to the extent of any**

inconsistency between this section and the Federal Fair Credit Reporting Act.

**3. No person shall sell information containing both the name and the credit card number of any consumer to any other person, unless that consumer has expressly agreed, either orally or in writing, to the sale of his or her name and credit card number by the person selling such information. A violation of this section shall be an unlawful merchandising practice in violation of sections 407.010 to 407.145."; and**

Further amend the title and enacting clause accordingly.

On motion of Representative Fraser, **House Amendment No. 9** was adopted by the following vote:

AYES: 091

Abel	Akin	Alter	Barry 100	Bartelsmeyer
Bartle	Bennett	Berkowitz	Black	Blunt
Bonner	Boucher 48	Boykins	Bray 84	Brooks
Campbell	Chrismer	Cierpiot	Crump	Curls
Davis 63	Days	Dougherty	Evans	Farnen
Foley	Ford	Franklin	Fraser	Gambara
George	Gibbons	Graham 106	Graham 24	Gratz
Green	Griesheimer	Gross	Gunn	Hagan-Harrell
Hanaway	Hickey	Hilgemann	Hollingsworth	Hoppe
Hosmer	Kelley 47	Kelly 27	Kissell	Koller
Legan	Levin	Linton	Long	Loudon
McClelland	McKenna	McLuckie	Merideth	Monaco
Murphy	Murray	Naeger	O'Connor	O'Toole
Ostmann	Reid	Reynolds	Ridgeway	Riley
Rizzo	Scheve	Schilling	Scott	Secrest
Selby	Shelton	Skaggs	Smith	Thompson
Treadway	Troupe	Van Zandt	Ward	Wiggins
Williams 121	Williams 159	Wilson 25	Wilson 42	Wright
Mr. Speaker				

NOES: 062

Auer	Backer	Barnett	Berkstresser	Boatright
Britt	Champion	Clayton	Crawford	Davis 122
Dolan	Elliott	Enz	Fitzwater	Foster
Froelker	Gaskill	Hampton	Hartzler 123	Hartzler 124
Hegeman	Hendrickson	Hohulin	Howerton	Kasten
Kennedy	King	Klindt	Kreider	Lakin
Lawson	Leake	Liese	Luetkemeyer	Luetkenhaus
Marble	May 108	Mays 50	Miller	Myers
Nordwald	Overschmidt	Parker	Patek	Phillips
Pouche 30	Pryor	Purgason	Ransdall	Reinhart
Relford	Robirds	Ross	Sallee	Schwab
Seigfreid	Shields	Summers	Surface	Townley
Vogel	Wagner			

PRESENT: 000

ABSENT WITH LEAVE: 009

Ballard	Burton	Harlan	Holand	Lograsso
McBride	Richardson	Stokan	Tudor	

VACANCIES: 001

Representative Evans offered **House Amendment No. 10.**

*House Amendment No. 10*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 896, Page 7, Section 143.331, Line 20, by inserting after all of said section the following:

**"144.815. In addition to the exemptions granted pursuant to the provisions of section 144.030, there shall also be specifically exempted from the provisions of sections 66.600 to 66.635, RSMo, sections 67.500 to 67.545, 67.547, 67.581, 67.582, 67.671 to 67.685, 67.700 to 67.729, 67.730 to 67.739, 67.782, RSMo, sections 92.400 to 92.420, RSMo, sections 94.500 to 94.570, 94.600 to 94.655, 94.700 to 94.755, RSMo, and sections 144.010 to 144.510 and 144.600 to 144.745, and from the computation of the tax levied, assessed or payable pursuant to sections 66.600 to 66.635, RSMo, sections 67.500 to 67.545, 67.547, 67.581, 67.582, 67.671 to 67.685, 67.700 to 67.729, 67.730 to 67.739, 67.782, RSMo, sections 92.400 to 92.420, RSMo, sections 94.500 to 94.570, 94.600 to 94.655, 94.700 to 94.755, RSMo, and sections 144.010 to 144.510 and 144.600 to 144.745, purchases of bullion and investment coins. For purposes of this section the following terms shall mean:**

**(1) "Bullion", gold, silver, platinum or palladium in a bulk state, where its value depends on its content rather than its form, with a purity of not less than nine hundred parts per one thousand; and**

**(2) "Investment coins", numismatic coins or other forms of money and legal tender manufactured of gold, silver, platinum, palladium or metals with a fair market value greater than the face value of the coins."; and**

Further amend the title, enacting clause and intersectional references accordingly.

On motion of Representative Evans, **House Amendment No. 10** was adopted.

Representative Lograsso offered **House Amendment No. 11.**

*House Amendment No. 11*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 896, Page 116, Section 365.020, by inserting immediately after House Amendment No. 4 the following:

**"367.052. When an item of property is the subject of a lease, rental transaction or retail installment contract with a company domiciled in the state, between the claimant and the claimant's lease or rental customer at the time it is delivered into the possession of the pawnbroker, the property shall not be deemed misappropriated unless it bears a conspicuous permanent label or marking identifying it as the claimant's property. Evidence of defacing or the removal of identification marking of leased or rented property shall be treated as marked and identified and therefore deemed to be misappropriated. Property subject to a lease, rental transaction or retail installment contract with a company domiciled in the state, which is not marked as provided in this subsection may be recovered by the claimant [upon payment to the pawnbroker of all moneys owing to or advanced by the pawnbroker in the pawn or purchase transaction, and] upon producing evidence identifying the property as having been the property of the claimant and leased or rented at the time the property was placed in the pawnbroker's possession. The pawnbroker shall be free from liability in connection with the recovery of leased or rental property pursuant to this subsection."**

On motion of Representative Lograsso, **House Amendment No. 11** was adopted.

Representative Bartle offered **House Amendment No. 12.**

*House Amendment No. 12*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 896, Page 118, Section 375.017, Line 23, by inserting after the word **"basis"** the following:

**“and if his or her state’s continuing education requirement for licensees is comparable to the requirements of this state.”.**

On motion of Representative Bartle, **House Amendment No. 12** was adopted.

On motion of Representative May (108), **HS HCS SB 896, as amended**, was adopted.

On motion of Representative May (108), **HS HCS SB 896, as amended**, was read the third time and passed by the following vote:

AYES: 144

Abel	Akin	Alter	Auer	Backer
Barnett	Bartelsmeyer	Bartle	Bennett	Berkowitz
Berkstresser	Black	Blunt	Boatright	Bonner
Boucher 48	Boykins	Britt	Brooks	Campbell
Champion	Chrismer	Cierpiot	Clayton	Crawford
Crump	Curls	Davis 122	Davis 63	Days
Dolan	Dougherty	Elliott	Enz	Evans
Fitzwater	Foley	Ford	Foster	Franklin
Fraser	Froelker	Gambaro	Gaskill	George
Gibbons	Graham 106	Graham 24	Gratz	Green
Griesheimer	Gross	Gunn	Hagan-Harrell	Hampton
Hanaway	Hartzler 123	Hartzler 124	Hegeman	Hendrickson
Hickey	Hilgemann	Hohulin	Hollingsworth	Hoppe
Hosmer	Howerton	Kasten	Kelley 47	Kelly 27
Kennedy	King	Kissell	Klindt	Koller
Kreider	Lakin	Lawson	Leake	Legan
Levin	Liese	Linton	Lograsso	Long
Loudon	Luetkemeyer	Luetkenhaus	Marble	May 108
Mays 50	McClelland	McKenna	Merideth	Miller
Monaco	Murray	Myers	Naeger	Nordwald
O'Connor	O'Toole	Ostmann	Overschmidt	Parker
Patek	Phillips	Pouche 30	Pryor	Purgason
Ransdall	Reinhart	Relford	Reynolds	Richardson
Riley	Rizzo	Robirds	Ross	Scheve
Schwab	Scott	Secrest	Seigfreid	Selby
Shelton	Skaggs	Smith	Summers	Surface
Thompson	Townley	Treadway	Troupe	Tudor
Vogel	Wagner	Ward	Wiggins	Williams 121
Williams 159	Wilson 42	Wright	Mr. Speaker	

NOES: 008

Bray 84	Farnen	Harlan	McLuckie	Murphy
Schilling	Van Zandt	Wilson 25		

PRESENT: 001

Reid

ABSENT WITH LEAVE: 009

Ballard	Barry 100	Burton	Holand	McBride
Ridgeway	Sallee	Shields	Stokan	

VACANCIES: 001

Speaker Gaw declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 143

Abel	Akin	Alter	Auer	Backer
Barnett	Bartelsmeyer	Bartle	Bennett	Berkowitz
Berkstresser	Black	Blunt	Boatright	Bonner
Boucher 48	Boykins	Britt	Brooks	Campbell
Champion	Chrismer	Cierpiot	Clayton	Crawford
Crump	Curls	Davis 122	Davis 63	Days
Dolan	Dougherty	Elliott	Enz	Evans
Fitzwater	Foley	Ford	Foster	Fraser
Froelker	Gambaro	Gaskill	George	Gibbons
Graham 106	Graham 24	Gratz	Green	Griesheimer
Gross	Gunn	Hagan-Harrell	Hampton	Hanaway
Hartzler 123	Hartzler 124	Hegeman	Hickey	Hilgemann
Hohulin	Hollingsworth	Hoppe	Hosmer	Howerton
Kasten	Kelley 47	Kelly 27	Kennedy	King
Kissell	Klindt	Koller	Kreider	Lakin
Lawson	Leake	Legan	Levin	Liese
Linton	Lograsso	Long	Loudon	Luetkemeyer
Luetkenhaus	Marble	May 108	Mays 50	McClelland
McKenna	Merideth	Miller	Monaco	Murray
Myers	Naeger	Nordwald	O'Connor	O'Toole
Ostmann	Overschmidt	Parker	Patek	Phillips
Pouche 30	Pryor	Purgason	Ransdall	Reinhart
Relford	Reynolds	Riley	Rizzo	Robirds
Ross	Sallee	Scheve	Schwab	Scott
Secrest	Seigfreid	Selby	Shelton	Shields
Skaggs	Smith	Summers	Surface	Thompson
Townley	Treadway	Troupe	Tudor	Vogel
Wagner	Ward	Wiggins	Williams 159	Wilson 25
Wilson 42	Wright	Mr. Speaker		

NOES: 008

Bray 84	Farnen	Harlan	Hendrickson	McLuckie
Reid	Schilling	Van Zandt		

PRESENT: 000

ABSENT WITH LEAVE: 011

Ballard	Barry 100	Burton	Franklin	Holand
McBride	Murphy	Richardson	Ridgeway	Stokan
Williams 121				

VACANCIES: 001

On motion of Representative Backer, title to the bill was agreed to.

Representative Boucher moved that the vote by which the bill passed be reconsidered.

Representative Days moved that motion lay on the table.

The latter motion prevailed.

### THIRD READING OF SENATE BILL - INFORMAL

**HCS SCS SB 894**, relating to delinquent property taxes, was taken up by Representative Hoppe.

Representative Hoppe offered **HS HCS SCS SB 894**.

Representative Reid raised a point of order that **HS HCS SCS SB 894** goes beyond the scope of the original bill.

The Chair ruled the point of order well taken.

**HCS SCS SB 894** was placed on the Informal Calendar.

### THIRD READING OF SENATE BILLS

**SB 961**, relating to National Guard scholarships, was taken up by Representative Ransdall.

Representative Ransdall offered **HS SB 961**.

Representative Ward offered **House Amendment No. 1**.

#### *House Amendment No. 1*

AMEND House Substitute for Senate Bill No. 961, Page 1, In the Title, Lines 2 to 7 of said page, by deleting all of said lines and inserting in lieu thereof the following:

"To repeal section 173.239, RSMo Supp. 1999, and to enact in lieu thereof six new sections relating to assistance for members of the Missouri military, with an emergency clause for a certain section"; and

Further amend said bill, Page 1, Section A, Line 12 of said page, by inserting after all of said line the following:

**"42.150. 1. Every person who served on active duty in the United States military service, including the merchant marine serving under veteran status, during World War II, except those excluded pursuant to section 42.155, for a period of at least one hundred eighty-one consecutive days, and who, either at the time of entering service, was a legal resident of the state of Missouri, or was a resident of the state at the time this bill was presented in 2000, and who was honorably separated or discharged from service, or is still in active service in an honorable status, or has been retired, furloughed to a reserve or placed on inactive status, shall receive one lump sum bonus of three hundred dollars, regardless of whether or not he or she served overseas.**

**2. No person is entitled to a bonus pursuant to this section who has been at any time guilty of any fraud or willful violation or evasion of or resistance to the Selective Service Act, or the rules and regulations of the War or Defense Department in force thereunder, or who has been paid a bonus by any other state for the same service or is incarcerated for conviction of a felony.**

**3. No right or payment pursuant to sections 42.150 to 42.170 is taxable or subject to the claim of any creditor.**

**42.155. 1. In the case of the death, after application, of any person who would be entitled to the bonus pursuant to sections 42.150 to 42.170, the same shall be paid to the following persons in the order named: first, the surviving spouse, unless remarried; second, any surviving child, and if there is more than one child surviving then equally among such children; third, any surviving mother or father, who shall share equally if both are surviving.**

**2. Every person making application for a bonus as provided in sections 42.150 to 42.170 shall set forth in his or her application the names and addresses of all persons who would be entitled to receive the same in the event of the death of the applicant and, if the applicant dies before payment of the bonus, then such application shall inure to the benefit of the person next entitled thereto and payment shall be made to such person upon proof of identity satisfactory to the adjutant general. If all persons designated in sections 42.150 to 42.170 as being entitled to the bonus of any deceased person die before payment thereof, the right of the bonus ceases and terminates. Application for bonus made in behalf of minor children may be made by the duly appointed guardian or curator of such children, or by any person duly appointed by the probate court for the purpose of**

making such application.

**42.160. 1.** The adjutant general of the state of Missouri shall administer sections 42.150 to 42.170, and may adopt all necessary rules and regulations to implement the provisions of sections 42.150 to 42.170. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. The adjutant general shall determine as expeditiously as possible the persons who are entitled to payments pursuant to sections 42.150 to 42.170 and direct the payment in the manner herein prescribed. Applications for payment shall be filed with the adjutant general's office within one year from the effective date of sections 42.150 to 42.170 on forms prescribed and furnished by the office. The adjutant general shall approve all claims that are in order and allowable, and shall cause a voucher for each approved claim to be prepared for the proper amount and transmitted to the commissioner of administration.

**2.** If the adjutant general, after due consideration, finally disallows the claim of any person for the bonus pursuant to sections 42.150 to 42.170, a statement of the reason for disallowance shall be filed with the application and notice thereof mailed to the applicant at his or her last known address. Within sixty days after mailing this notice, the applicant may have his or her application reconsidered by the governor, attorney general and director of veterans affairs, sitting as a board of review, upon filing with the adjutant general an application for review. Upon the filing of the application for review the adjutant general shall, within thirty days of receipt of such application, deliver to the governor all papers and files in his or her office pertaining to the claim. Upon receipt of such papers and files, the governor shall arrange for a hearing by the board of review and shall cause notice of such hearing to be mailed to the applicant. The applicant shall be entitled to appear at the hearing and be represented by counsel. If the decision of the adjutant general is approved at such hearing, a statement to that effect shall be made and signed by the governor and all the files again returned to the adjutant general. If the board of review overrules the decision of the adjutant general and allows the claim for the bonus, then the decision shall be certified by the governor to the adjutant general and the adjutant general shall allow the claim and transmit a voucher for such claim to the commissioner of administration in the same manner as if the claim had been allowed by the adjutant general in the first instance.

**42.165.** The "Veterans Service Bonus Fund", is hereby created in the state treasury. Money appropriated to the fund shall be retained therein until the accumulated balance in the fund is sufficient to pay the claims filed and allowed pursuant to section 42.160. As soon as possible after the expiration of one year from the effective date of sections 42.150 to 42.170, and after final action on all duly filed claims has been taken pursuant to section 42.160, the commissioner of administration shall notify the state treasurer of the total amount necessary to pay the vouchers transmitted to his or her office by the adjutant general. When all bonus claims filed and allowed have been paid, the fund shall automatically be terminated. The commissioner of administration shall certify the claims allowed by the adjutant general to the state treasurer for payment and the state treasurer shall pay the claims out of the fund as provided by law. Any balance remaining in the veterans service bonus fund after all claims have been paid shall be transferred to the veterans' commission capital improvements trust fund established in section 313.835, RSMo. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not revert to the credit of the general revenue fund at the end of the biennium.

**42.170.** Whoever knowingly makes a false statement, oral or written, of any material fact relating to a claim pursuant to the provisions of sections 42.150 to 42.170 is guilty of a class A misdemeanor."; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Boucher offered **House Substitute Amendment No. 1 for House Amendment No. 1.**

*House Substitute Amendment No. 1  
for  
House Amendment No. 1*

AMEND House Substitute for Senate Bill No. 961, Page 1, In the Title, Lines 2 to 7 of said page, by deleting all of said lines and inserting in lieu thereof the following:

"To repeal section 173.239, RSMo Supp. 1999, and to enact in lieu thereof ten new sections relating to awards for members of the Missouri military, with an emergency clause for a certain section."; and

Further amend said bill, Page 1, Section A, Line 12 of said page, by inserting after all of said line the following:

**"42.150. 1. Every person who served on active duty in the United States military service, including the merchant marine serving under veteran status, during World War II, except those excluded pursuant to section 42.155, for a period of at least one hundred eighty-one consecutive days, and who is a legal resident of the state of Missouri on August 28, 2000, and who was honorably separated or discharged from service, or is still in active service in an honorable status, or has been retired, furloughed to a reserve or placed on inactive status, shall receive one lump sum bonus of four hundred dollars, regardless of whether or not he or she served overseas.**

**2. No right or payment pursuant to sections 42.150 to 42.170 is taxable or subject to the claim of any creditor.**

**42.155. 1. In the case of the death, after application, of any person who would be entitled to the bonus pursuant to sections 42.150 to 42.170, the same shall be paid to the following persons in the order named: first, the surviving spouse, unless remarried; second, any surviving child, and if there is more than one child surviving then equally among such children; third, any surviving mother or father, who shall share equally if both are surviving.**

**2. Every person making application for a bonus as provided in sections 42.150 to 42.170 shall set forth in his or her application the names and addresses of all persons who would be entitled to receive the same in the event of the death of the applicant and, if the applicant dies before payment of the bonus, then such application shall inure to the benefit of the person next entitled thereto and payment shall be made to such person upon proof of identity satisfactory to the adjutant general. If all persons designated in sections 42.150 to 42.170 as being entitled to the bonus of any deceased person die before payment thereof, the right of the bonus ceases and terminates. Application for bonus made in behalf of minor children may be made by the duly appointed guardian or curator of such children, or by any person duly appointed by the probate court for the purpose of making such application.**

**42.160. 1. The adjutant general of the state of Missouri shall administer sections 42.150 to 42.170, and may adopt all necessary rules and regulations to implement the provisions of sections 42.150 to 42.170. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. The adjutant general shall determine as expeditiously as possible the persons who are entitled to payments pursuant to sections 42.150 to 42.170 and direct the payment in the manner herein prescribed. Applications for payment shall be filed with the adjutant general's office within one year from the effective date of sections 42.150 to 42.170 on forms prescribed and furnished by the office. The adjutant general shall approve all claims that are in order and allowable, and shall cause a voucher for each approved claim to be prepared for the proper amount and transmitted to the commissioner of administration.**

**2. If the adjutant general, after due consideration, finally disallows the claim of any person for the bonus pursuant to sections 42.150 to 42.170, a statement of the reason for disallowance shall be filed with the application and notice thereof mailed to the applicant at his or her last known address. Within sixty days after mailing this notice, the applicant may have his or her application reconsidered by the governor, attorney general and director of veterans affairs, sitting as a board of review, upon filing with the adjutant general an application for review. Upon the filing of the application for review the adjutant general shall, within thirty days of receipt of such application, deliver to the governor all papers and files in his or her office pertaining to the claim. Upon receipt of such papers and files, the governor shall arrange for a hearing by the board of review and shall cause notice of such hearing to be mailed to the applicant. The applicant shall be entitled to appear at the hearing and be represented by counsel. If the decision of the adjutant general is approved at such hearing, a statement to that effect shall be made and signed by the governor and all the files again returned to the adjutant general. If the board of review overrules the decision of the adjutant general and allows the claim for the bonus, then the decision shall be certified by the governor to the adjutant general and the adjutant general shall allow the claim and transmit a voucher for such claim to the commissioner of administration in the same manner as if the claim had been allowed by the adjutant general in the first instance.**

**42.165. The "Veterans' Service Bonus Fund", is hereby created in the state treasury. Money appropriated to the fund shall be retained therein until the accumulated balance in the fund is sufficient to pay**

the claims filed and allowed pursuant to section 42.160. As soon as possible after the expiration of one year from the effective date of sections 42.150 to 42.170, and after final action on all duly filed claims has been taken pursuant to section 42.160, the commissioner of administration shall notify the state treasurer of the total amount necessary to pay the vouchers transmitted to his or her office by the adjutant general. When all bonus claims filed and allowed have been paid, the fund shall automatically be terminated. The commissioner of administration shall certify the claims allowed by the adjutant general to the state treasurer for payment and the state treasurer shall pay the claims out of the fund as provided by law. Any balance remaining in the veterans' service bonus fund after all claims have been paid shall be transferred to the veterans' commission capital improvements trust fund established in section 313.835, RSMo. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not revert to the credit of the general revenue fund at the end of the biennium.

42.170. Whoever knowingly makes a false statement, oral or written, of any material fact relating to a claim pursuant to the provisions of sections 42.150 to 42.170 is guilty of a class A misdemeanor.

42.180. 1. Every veteran who honorably served on active duty in the United States military service at any time beginning December 7, 1941, and ending September 30, 1945, shall be entitled to receive a medallion, medal and a certificate of appreciation pursuant to sections 42.180 to 42.195; provided that:

(1) Such veteran is a legal resident of this state on August 28, 2000; and  
 (2) Such veteran was honorably separated or discharged from military service or is still in active service in an honorable status.

2. The medallion, medal and the certificate shall be awarded regardless of whether or not such veteran served within the United States or in a foreign country. The medallion, medal and the certificate shall be awarded regardless of whether or not such veteran was under eighteen years of age at the time of enlistment. For purposes of sections 42.180 to 42.195, "veteran" means any person defined as a veteran by the United States Department of Veterans' Affairs or its successor agency.

42.185. 1. Except as otherwise provided in sections 42.180 to 42.195, the adjutant general of the state of Missouri shall administer sections 42.180 to 42.195, and may adopt all rules and regulations necessary to administer the provisions of sections 42.180 to 42.195. No rule or portion of a rule promulgated pursuant to sections 42.180 to 42.195 shall become effective unless promulgated pursuant to chapter 536, RSMo.

2. The adjutant general shall determine as expeditiously as possible the persons who are entitled to a medallion, medal and a certificate pursuant to sections 42.180 to 42.195 and distribute the medallions, medals and the certificates as provided in sections 42.180 to 42.195. Applications for the medallion, medal and the certificate shall be filed with the office of the adjutant general at any time after January 1, 2001, and before January 1, 2002, on forms prescribed and furnished by the adjutant general's office. The adjutant general shall approve all applications that are in order, and shall cause a medallion, medal and a certificate to be prepared for each approved veteran in the form created by the veterans' commission pursuant to section 42.190.

3. If any person dies after applying for a medallion or medal and a certificate pursuant to sections 42.180 to 42.195 and such person would have been entitled to the medallion, medal and the certificate, the adjutant general shall give the medallion, medal and the certificate to the person to whom the largest portion of the veteran's estate was given in such veteran's will. If the estate was split evenly among two or more persons, the surviving spouse, the eldest living child or the closest relative by degree of consanguinity, in that order, shall receive the medallion, medal and the certificate. If there was no will, the veteran's intestate survivor shall receive the medallion, medal and the certificate.

4. If the adjutant general disallows any veteran's claim to a medallion, medal and a certificate pursuant to sections 42.180 to 42.195, a statement of the reason for the disallowance shall be filed with the application and notice of this disallowance shall be mailed to the applicant at the applicant's last known address.

42.190. The veterans' commission shall design the form of the medallion, medal, and the certificate and forward the approved designs to the adjutant general for distribution pursuant to sections 42.180 to 42.195. It is the intent of the general assembly to create statewide involvement in the design of these symbols in recognition of this historic endeavor. Therefore, in designing the forms, the veterans' commission may solicit potential designs from elementary and secondary schools, veterans' groups, civic organizations or any other interested party, and may select the best design from among such solicited designs, or may select another design.

42.195. 1. The "World War II Veterans' Recognition Award Fund" is hereby created in the state treasury, and shall consist of all gifts, donations and bequests to the fund. The fund shall be administered by the adjutant general. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the

**World War II veterans' recognition award fund shall not be transferred to the credit of the general revenue fund at the end of the biennium. Interest and moneys earned on the fund shall be credited to the fund.**

**2. Moneys in the fund shall be used solely to promote the solicitation for designs for, aid in the manufacture of and aid in the distribution of the medallion, medal and the certificate.**

**3. When all allowed medallions, medals and certificates have been distributed, the fund shall automatically be terminated. Any balance remaining in the fund after all such distributions shall be transferred to the veterans' commission capital improvement trust fund created in section 313.835, RSMo."; and**

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Boucher, **House Substitute Amendment No. 1 for House Amendment No. 1** was adopted by the following vote:

AYES: 152

Abel	Akin	Alter	Backer	Barnett
Barry 100	Bartelsmeyer	Bartle	Bennett	Berkowitz
Berkstresser	Black	Blunt	Boatright	Bonner
Boucher 48	Boykins	Bray 84	Britt	Brooks
Campbell	Champion	Chrismer	Cierpiot	Clayton
Crawford	Crump	Curls	Davis 122	Davis 63
Days	Dolan	Dougherty	Enz	Evans
Farnen	Fitzwater	Foley	Ford	Foster
Franklin	Fraser	Froelker	Gambaro	Gaskill
George	Gibbons	Graham 106	Graham 24	Gratz
Green	Griesheimer	Gross	Gunn	Hagan-Harrell
Hampton	Hanaway	Hartzler 123	Hartzler 124	Hegeman
Hendrickson	Hickey	Hilgemann	Hohulin	Hollingsworth
Hoppe	Hosmer	Howerton	Kasten	Kelley 47
Kelly 27	Kennedy	King	Kissell	Klindt
Koller	Kreider	Lakin	Lawson	Leake
Legan	Levin	Liese	Linton	Lograsso
Long	Loudon	Luetkemeyer	Luetkenhaus	Marble
May 108	Mays 50	McClelland	McKenna	McLuckie
Merideth	Miller	Monaco	Murphy	Murray
Myers	Naeger	Nordwald	O'Connor	O'Toole
Ostmann	Overschmidt	Parker	Patek	Phillips
Pouche 30	Pryor	Purgason	Ransdall	Reid
Reinhart	Relford	Reynolds	Ridgeway	Riley
Rizzo	Robirds	Ross	Sallee	Scheve
Schilling	Schwab	Scott	Seigfreid	Selby
Shelton	Shields	Skaggs	Smith	Summers
Surface	Thompson	Townley	Treadway	Troupe
Tudor	Van Zandt	Vogel	Wagner	Ward
Wiggins	Williams 121	Williams 159	Wilson 25	Wilson 42
Wright	Mr. Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Auer	Ballard	Burton	Elliott	Harlan
Holand	McBride	Richardson	Secrest	Stokan

VACANCIES: 001

Representative Gratz offered **House Amendment No. 2.**

*House Amendment No. 2*

AMEND House Substitute for Senate Bill No. 961, Page 1, Section A, Line 12 of said page, by inserting after all of said line the following:

**"42.500. The Missouri general assembly shall, through appropriations as provided by law, participate in the funding of the National World War II Memorial to be located at a site dedicated on November 11, 1995, on the National Mall in Washington, D.C. in an amount equal to one dollar for each resident of the state of Missouri who served in the Armed Forces of the United States during World War II. Such funds shall be disbursed upon enactment to the World War II Memorial Fund.";** and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Ransdall offered **House Substitute Amendment No. 1 for House Amendment No. 2.**

*House Substitute Amendment No. 1  
for  
House Amendment No. 2*

AMEND House Substitute for Senate Bill No. 961, Page 1, Section A, Line 12 of said page, by inserting after all of said line the following:

**"42.500. The Missouri general assembly shall, through appropriations as provided by law, participate in the funding of the National World War II Memorial to be located at a site dedicated on November 11, 1995, on the National Mall in Washington, D.C. in an amount equal to four hundred thirty-eight thousand dollars. Such funds shall be disbursed upon enactment to the World War II Memorial Fund.";** and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Ransdall, **House Substitute Amendment No. 1 for House Amendment No. 2** was adopted.

Representative Ross offered **House Amendment No. 3.**

*House Amendment No. 3*

AMEND House Substitute for Senate Bill No. 961, Page 4, Section B, Line 14, by inserting after said line the following:

"Section C. Section 8.012, RSMo Supp. 1999, is repealed and one new section enacted in lieu thereof, to be known as section 8.012, to read as follows:

8.012. At [the state capitol] **all state buildings** and upon the grounds thereof, the board of public buildings may accompany the display of the flag of the United States and the flag of this state with the display of the POW/MIA flag, which is designed to commemorate the service and sacrifice of the members of the armed forces of the United States who were prisoners of war or missing in action."; and

Further amend the title and enacting clause accordingly.

On motion of Representative Ross, **House Amendment No. 3** was adopted.

Representative Boucher offered **House Amendment No. 4.**

*House Amendment No. 4*

AMEND House Substitute for Senate Bill No. 961, Page 4, Section 173.239, Line 6 of said page, by inserting after all of said line the following:

**"Section 1. The general assembly shall appropriate moneys to cover the cost of providing every eligible Missouri World War II veteran of the June 6, 1944, "D-Day" invasion of Europe with a replica of the fiftieth anniversary "Jubilee of Liberty" medal issued by France in 1994."; and**

Further amend said bill, Page 4, Section B, Lines 8 and 9 of said page, by deleting all of said lines and inserting in lieu thereof the following:

**"swift attention and funding of issues involving those who serve our country and state in the armed forces, section A of this act is"; and**

Further amend said bill, Page 4, Section B, Lines 12 and 13 of said page, by deleting the following: "The repeal and reenactment of section 173.239" and inserting in lieu thereof the following: **"section A"**; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Boucher, **House Amendment No. 4** was adopted.

Representative Surface offered **House Amendment No. 5**.

Representative Bonner raised a point of order that **House Amendment No. 5** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Hosmer offered **House Amendment No. 5**.

Representative Dolan raised a point of order that **House Amendment No. 5** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

On motion of Representative Ransdall, **HS SB 961, as amended**, was adopted.

On motion of Representative Ransdall, **HS SB 961, as amended**, was read the third time and passed by the following vote:

AYES: 149

Abel	Akin	Alter	Backer	Barnett
Barry 100	Bartelsmeyer	Bartle	Bennett	Berkowitz
Black	Blunt	Boatright	Bonner	Boucher 48
Boykins	Bray 84	Britt	Brooks	Campbell
Champion	Chrismer	Cierpiot	Clayton	Crawford
Crump	Curls	Davis 122	Davis 63	Days
Dolan	Dougherty	Elliott	Enz	Evans
Farnen	Fitzwater	Foley	Ford	Foster
Franklin	Fraser	Froelker	Gambaro	Gaskill

## 1433 *Journal of the House*

George	Gibbons	Graham 106	Graham 24	Gratz
Green	Griesheimer	Gross	Gunn	Hagan-Harrell
Hampton	Hanaway	Hartzler 123	Hartzler 124	Hegeman
Hendrickson	Hickey	Hilgemann	Hohulin	Hollingsworth
Hoppe	Hosmer	Howerton	Kasten	Kelley 47
Kelly 27	King	Kissell	Klindt	Koller
Kreider	Lawson	Leake	Legan	Levin
Liese	Linton	Lograsso	Long	Loudon
Luetkemeyer	Luetkenhaus	Marble	May 108	Mays 50
McClelland	McKenna	McLuckie	Merideth	Miller
Monaco	Murray	Myers	Naeger	Nordwald
O'Connor	O'Toole	Ostmann	Overschmidt	Parker
Patek	Phillips	Pouche 30	Pryor	Purgason
Ransdall	Reid	Reinhart	Relford	Reynolds
Richardson	Ridgeway	Riley	Rizzo	Robirds
Ross	Sallee	Scheve	Schilling	Schwab
Scott	Secrest	Seigfreid	Selby	Shelton
Shields	Skaggs	Smith	Summers	Surface
Thompson	Townley	Treadway	Tudor	Van Zandt
Vogel	Wagner	Ward	Wiggins	Williams 121
Williams 159	Wilson 25	Wilson 42	Mr. Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 013

Auer	Ballard	Berkstresser	Burton	Harlan
Holand	Kennedy	Lakin	McBride	Murphy
Stokan	Troupe	Wright		

VACANCIES: 001

Speaker Gaw declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 151

Abel	Akin	Alter	Auer	Backer
Barnett	Barry 100	Bartelsmeyer	Bartle	Bennett
Berkowitz	Berkstresser	Black	Blunt	Boatright
Bonner	Boucher 48	Boykins	Bray 84	Britt
Brooks	Campbell	Champion	Chrismer	Cierpiot
Clayton	Crawford	Crump	Curls	Davis 122
Davis 63	Days	Dolan	Dougherty	Elliott
Enz	Evans	Farnen	Fitzwater	Foley
Ford	Foster	Franklin	Fraser	Froelker
Gambaro	Gaskill	George	Gibbons	Graham 106
Graham 24	Gratz	Green	Griesheimer	Gross
Gunn	Hagan-Harrell	Hampton	Hanaway	Harlan
Hartzler 123	Hartzler 124	Hegeman	Hendrickson	Hickey
Hilgemann	Hohulin	Hollingsworth	Hoppe	Hosmer
Howerton	Kasten	Kelley 47	Kennedy	King
Kissell	Klindt	Koller	Kreider	Lawson
Leake	Legan	Luetkenhaus	Liese	Long
Loudon	Luetkemeyer	McKenna	Marble	May 108
Mays 50	McClelland	Murray	McLuckie	Merideth
Miller	Monaco	O'Toole	Myers	Naeger
Nordwald	O'Connor	Phillips	Ostmann	Overschmidt
Parker	Patek	Reid	Pouche 30	Pryor
Purgason	Ransdall	Ridgeway	Reinhart	Relford
Reynolds	Richardson	Sallee	Riley	Rizzo
Robirds	Ross	Secrest	Scheve	Schilling
Schwab	Scott		Seigfreid	Selby

Shelton	Shields	Skaggs	Smith	Summers
Surface	Thompson	Townley	Treadway	Tudor
Van Zandt	Vogel	Wagner	Ward	Wiggins
Williams 121	Williams 159	Wilson 25	Wilson 42	Wright
Mr. Speaker				

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Ballard	Burton	Holand	Kelly 27	Lakin
Linton	Lograsso	McBride	Murphy	Stokan
Troupe				

VACANCIES: 001

On motion of Representative Overschmidt, title to the bill was agreed to.

Representative Wiggins moved that the vote by which the bill passed be reconsidered.

Representative Relford moved that motion lay on the table.

The latter motion prevailed.

**HCS SB 858**, relating to sunshine law, was taken up by Representative Smith.

Representative Smith offered **HS HCS SB 858**.

Representative Smith offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 858, Page 5, Section 610.021, Lines 14 through 17, by deleting said lines and inserting in lieu thereof the following:

“such a legal action. **Any vote taken on a question deemed closed pursuant to this subsection shall be by roll call vote as set out in 610.015 and shall be made public as set out above.** Legal work product shall be considered a”; and

Further amend said section, Page 6, Lines 2 through 4, by deleting said lines and inserting in lieu thereof the following:

“estate. **Any vote taken on any question deemed closed pursuant to this subsection shall be by roll call vote as set out in 610.015 and shall be made public within seventy-two hours after execution of the lease, purchase or sale of the real estate;**”; and

Further amend said section, Page 6, Lines 15 through 18, by deleting said lines and inserting in lieu thereof the following:

“decision is made available to the public. **Any vote taken on any question deemed closed pursuant to this subsection shall be by roll call vote as set out in 610.015 and shall be made public within 72 hours of the close of the meeting where such action occurs, as further set out above.** As used in this”.

On motion of Representative Smith, **House Amendment No. 1** was adopted.

Representative Smith offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 858 (3809L.10F), Page 3, Section 197.760, Lines 3-12 of said page, by deleting said lines and inserting in lieu thereof the following:

**“(2) Discussion and analysis of:**

**(a) Developing a new health service or a new facility;**

**(b) Expanding or revising an existing health service or facility; or**

**(c) Entering into a shared service arrangement or other affiliation agreement.**

**No final decision to implement paragraph (a), (b), or (c) of this subdivision may be made by the governing body of a public hospital or a related organization until 30 days after a public meeting has been held by the governing body, at which the proposed action has been made public, with notice of said meeting having been given pursuant to section 610.020, RSMo;”**; and

Further amend said bill, Page 4, Section 197.760, Line 6 of said page, by deleting the number “(2)” and inserting in lieu thereof the number “(3)”.

Representative Elliott offered **House Substitute Amendment No. 1 for House Amendment No. 2**.

*House Substitute Amendment No. 1  
for  
House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 858, Section 197.760, by deleting all of said section.

Representative Elliott moved that **House Substitute Amendment No. 1 for House Amendment No. 2** be adopted.

Which motion was defeated by the following vote:

AYES: 027

Backer	Bartelsmeyer	Berkstresser	Blunt	Boykins
Dougherty	Elliott	Foster	Gambaro	Hendrickson
Hollingsworth	Kasten	Kelly 27	Linton	Marble
Pouche 30	Richardson	Schilling	Schwab	Scott
Seigfreid	Surface	Troupe	Vogel	Wiggins
Wright	Mr. Speaker			

NOES: 121

Abel	Akin	Alter	Barnett	Barry 100
Bartle	Berkowitz	Black	Boatright	Bonner
Boucher 48	Britt	Campbell	Champion	Chrismer
Cierpiot	Clayton	Crawford	Crump	Curls
Davis 122	Davis 63	Days	Dolan	Enz
Evans	Farnen	Fitzwater	Foley	Ford
Fraser	Froelker	Gaskill	George	Gibbons

Graham 106	Graham 24	Gratz	Griesheimer	Gross
Gunn	Hagan-Harrell	Hampton	Hanaway	Harlan
Hartzler 123	Hartzler 124	Hegeman	Hickey	Hilgemann
Hohulin	Hoppe	Hosmer	Howerton	Kelley 47
Kennedy	King	Kissell	Klindt	Koller
Kreider	Lakin	Lawson	Leake	Legan
Levin	Lograsso	Long	Loudon	Luetkemeyer
Luetkenhaus	May 108	Mays 50	McClelland	McKenna
McLuckie	Merideth	Miller	Monaco	Murphy
Murray	Myers	Naeger	O'Connor	O'Toole
Ostmann	Overschmidt	Patek	Phillips	Pryor
Purgason	Ransdall	Reid	Reinhart	Relford
Reynolds	Ridgeway	Riley	Rizzo	Robirds
Ross	Sallee	Scheve	Secrest	Selby
Shelton	Shields	Skaggs	Smith	Summers
Thompson	Townley	Treadway	Tudor	Van Zandt
Wagner	Ward	Williams 121	Williams 159	Wilson 25
Wilson 42				

PRESENT: 001

Brooks

ABSENT WITH LEAVE: 013

Auer	Ballard	Bennett	Bray 84	Burton
Franklin	Green	Holand	Liese	McBride
Nordwald	Parker	Stokan		

VACANCIES: 001

On motion of Representative Smith, **House Amendment No. 2** was adopted.

Representative Ridgeway offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 858, Page 4, Section 197.760, Lines 8-9, by deleting the words “two years following the termination of such contract” and inserting in lieu thereof the words “**one year following the termination of such contract**”.

Representative Smith offered **House Substitute Amendment No. 1 for House Amendment No. 3**.

*House Substitute Amendment No. 1  
for  
House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 858, Page 4, Section 197.760, Lines 8-9, by deleting the words “two years following the termination of such contract” and inserting in lieu thereof the words “**eighteen months following the termination of such contract**”.

On motion of Representative Smith, **House Substitute Amendment No. 1 for House Amendment No. 3** was adopted.

Representative Relford offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 858, Page 11, Section 610.027, Line 18, by inserting immediately after the word “[purposely]” the word “**knowingly**”; and

Further amend said section, Line 21, by deleting the word “**twenty-five**” and by inserting in lieu thereof the word “**five**”.

Representative Smith requested a division of the question on **House Amendment No. 4**.

**HCS SB 858, with Part I and Part II of House Amendment No. 4, House Amendment No. 4 and HS, as amended, pending**, was laid over.

**CONFERENCE COMMITTEE REPORT  
ON  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1848**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on Senate Committee Substitute for House Bill No. 1848, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 1848, as amended;
2. That the House recede from its position on House Bill No. 1848;
3. That the attached Conference Committee Substitute be adopted.

**FOR THE HOUSE:**

/s/ Joe Treadway  
/s/ James Foley  
/s/ Joan Barry  
/s/ Roy Holand  
/s/ Daniel Hegeman

**FOR THE SENATE:**

/s/ Paula Carter  
/s/ Mary Bland  
/s/ John E. Scott  
/s/ Betty Sims  
/s/ Anita Yeckel

On motion of Representative Crump, the House recessed until 1:30 p.m.

**AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Speaker Pro Tem Kreider.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Ashley Duffel, Daniel Wolfmeier and Emily Morgan.

**HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 1544 - Representative Britt  
House Resolution No. 1545 - Representative Riley  
House Resolution No. 1546  
and  
House Resolution No. 1547 - Representative Sallee  
House Resolution No. 1548 - Representative Howerton  
House Resolution No. 1549  
and  
House Resolution No. 1550 - Representative Berkstresser  
House Resolution No. 1551  
through  
House Resolution No. 1556 - Representative Rizzo  
House Resolution No. 1557 - Representative McClelland  
House Resolution No. 1558  
and  
House Resolution No. 1559 - Representative Pryor  
House Resolution No. 1560  
through  
House Resolution No. 1565 - Representative Fitzwater  
House Resolution No. 1566 - Representative Boucher

**SUPPLEMENTAL CALENDAR**

May 8, 2000

**SENATE BILLS FOR THIRD READING**

HCS SS SCS SB 926, E.C., (Fiscal Review, 5-8-00) - Scheve  
SCS SB 685 - Curls

**SENATE JOINT RESOLUTION FOR THIRD READING**

SJR 50 - Scheve

**THIRD READING OF SENATE BILLS**

**HCS SB 858, with Part I and Part II of House Amendment No. 4, House Amendment No. 4 and HS, as amended, pending**, relating to sunshine law, was again taken up by Representative Smith.

**Part I of House Amendment No. 4** was taken up by Representative Relford.

*House Amendment No. 4*

## PART I

AMEND House Substitute for House Committee Substitute for Senate Bill No. 858, Page 11, Section 610.027, Line 18, by inserting immediately after the word “[purposely]” the word “**knowingly**”.

On motion of Representative Relford, **Part I of House Amendment No. 4** was adopted by the following vote:

AYES: 100

Akin	Alter	Auer	Backer	Barnett
Bartelsmeyer	Bartle	Bennett	Black	Boatright
Bonner	Boucher 48	Boykins	Brooks	Champion
Chrismer	Cierpiot	Crump	Dolan	Enz
Evans	Fitzwater	Foley	Ford	Foster
Froelker	Gambaro	Gaskill	Gibbons	Graham 106
Gratz	Griesheimer	Gross	Hagan-Harrell	Hampton
Hanaway	Hartzler 124	Hegeman	Holand	Hoppe
Kasten	Kelley 47	King	Klindt	Koller
Kreider	Lawson	Leake	Levin	Liese
Linton	Lograsso	Long	Loudon	Luetkemeyer
Luetkenhaus	Marble	May 108	McClelland	Merideth
Miller	Myers	Naeger	Nordwald	O'Toole
Ostmann	Overschmidt	Parker	Patek	Phillips
Pouche 30	Pryor	Purgason	Ransdall	Reid
Reinhart	Relford	Reynolds	Richardson	Ridgeway
Riley	Rizzo	Robirds	Ross	Scheve
Schwab	Scott	Secrest	Seigfreid	Shelton
Shields	Summers	Surface	Treadway	Tudor
Vogel	Ward	Wiggins	Williams 159	Wright

NOES: 046

Abel	Berkowitz	Blunt	Bray 84	Britt
Campbell	Clayton	Crawford	Curls	Davis 122
Davis 63	Days	Farnen	Franklin	Fraser
George	Graham 24	Gunn	Harlan	Hendrickson
Hickey	Hilgemann	Hosmer	Kelly 27	Kennedy
Kissell	Lakin	Legan	Mays 50	McKenna
McLuckie	Monaco	Murray	O'Connor	Schilling
Selby	Skaggs	Smith	Thompson	Troupe
Van Zandt	Wagner	Williams 121	Wilson 25	Wilson 42

PRESENT: 000

ABSENT WITH LEAVE: 016

Ballard	Barry 100	Berkstresser	Burton	Dougherty
Elliott	Green	Hartzler 123	Hohulin	Hollingsworth
Howerton	McBride	Murphy	Sallee	Stokan
Townley				

VACANCIES: 001

**Part II of House Amendment No. 4** was taken up by Representative Relford.

*House Amendment No. 4*

PART II

AMEND House Substitute for House Committee Substitute for Senate Bill No. 858, Page 11, Section 610.027, Line 21, by deleting the word “**twenty-five**” and inserting in lieu thereof the word “**five**”.

Representative Pouche offered **House Substitute Amendment No. 1 for Part II of House Amendment No. 4**.

**House Substitute Amendment No. 1 for Part II of House Amendment No. 4** was withdrawn.

Representative Marble offered **House Substitute Amendment No. 1 for Part II of House Amendment No. 4**.

*House Substitute Amendment No. 1  
for  
Part II  
of  
House Amendment No. 4*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 858, Page 11, Section 610.027, Line 21, by deleting the words “**twenty-five thousand**” and inserting in lieu thereof the words “**two thousand five hundred**”.

Representative Marble moved that **House Substitute Amendment No. 1 for Part II of House Amendment No. 4** be adopted.

Which motion was defeated by the following vote:

AYES: 047

Akin	Alter	Barnett	Bartelsmeyer	Boatright
Chrismer	Cierpiot	Dolan	Elliott	Enz
Evans	Fitzwater	Foster	Graham 106	Gross
Hartzler 123	Hartzler 124	Holand	Howerton	Kasten
Kelley 47	King	Klindt	Kreider	Liese
Linton	Lograsso	Long	Loudon	Luetkemeyer
Marble	Myers	Naeger	Patek	Phillips
Pouche 30	Purgason	Reinhart	Robirds	Sallee
Schwab	Secrest	Summers	Surface	Tudor
Vogel	Wiggins			

NOES: 104

Abel	Auer	Backer	Bartle	Bennett
Berkowitz	Black	Blunt	Bonner	Boucher 48
Boykins	Bray 84	Britt	Brooks	Campbell
Champion	Clayton	Crawford	Crump	Curls
Davis 122	Davis 63	Days	Farnen	Foley
Ford	Franklin	Fraser	Froelker	Gambara
Gaskill	George	Gibbons	Graham 24	Gratz
Green	Griesheimer	Gunn	Hagan-Harrell	Hampton
Hanaway	Harlan	Hegeman	Hendrickson	Hickey
Hilgemann	Hoppe	Hosmer	Kelly 27	Kennedy

Kissell	Koller	Lakin	Lawson	Leake
Legan	Levin	Luetkenhaus	May 108	Mays 50
McClelland	McKenna	McLuckie	Merideth	Miller
Monaco	Murphy	Murray	Nordwald	O'Connor
O'Toole	Ostmann	Overschmidt	Parker	Ransdall
Reid	Relford	Reynolds	Richardson	Ridgeway
Riley	Rizzo	Ross	Scheve	Schilling
Scott	Seigfreid	Selby	Shelton	Shields
Skaggs	Smith	Thompson	Treadway	Troupe
Van Zandt	Wagner	Ward	Williams 121	Williams 159
Wilson 25	Wilson 42	Wright	Mr. Speaker	

PRESENT: 000

ABSENT WITH LEAVE: 011

Ballard	Barry 100	Berkstresser	Burton	Dougherty
Hohulin	Hollingsworth	McBride	Pryor	Stokan
Townley				

VACANCIES: 001

On motion of Representative Relford, **Part II of House Amendment No. 4** was adopted.

Representative Hosmer offered **House Amendment No. 5**.

*House Amendment No. 5*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 858, Page 8, Section 610.021, Line 19, by adding after the word “restructuring” the following: “**or retail choice, for natural gas or electric service**”; and

Further amend said bill, Line 19, by deleting the word “[electric]”; and

Further amend said bill, Line 23, by deleting the word “[electric]”; and

Further amend said bill, Line 24, after the word “**areas**” by adding the following: “**for natural gas or electric service**”; and

Further amend said bill, Page 9, Line 2, by deleting the word “electric”; and

Further amend said bill, Page 9, Line 8, by deleting the word “electric”; and

Further amend said bill, Page 9, Line 8, by adding after the word “utility” the following: “**supplying natural gas or electric service**”; and

Further amend Line 9, by deleting all the remainder of said subsection after the word “the” and inserting in lieu thereof the following: “**general assembly does not adopt, on or before December 31, 2002, legislation authorizing electric utility restructuring**”.

On motion of Representative Hosmer, **House Amendment No. 5** was adopted.

Representative Skaggs offered **House Amendment No. 6**.

*House Amendment No. 6*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 858, Page 4, Section 197.760, Line 13, by inserting immediately after said line the following:

**“197.765. The meetings and records of a public hospital, as that term is defined in subdivision 2 of subsection 1 of section 197.760, shall not be subject to the open meetings and open records law set forth in Chapter 610, RSMo when:**

**(1) the public hospital does not receive money from a tax levy imposed by the city, county or hospital district that established the hospital.”; and**

Further amend said bill by amending the title and enacting clause accordingly.

Representative Smith offered **House Substitute Amendment No. 1 for House Amendment No. 6.**

*House Substitute Amendment No. 1  
for  
House Amendment No. 6*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 858, Page 1, In the Title, Line 5 of said page, by deleting the word “**five**” and inserting in lieu thereof the word “**six**”; and

Further amend said bill, Page 1, Section A, Line 10 of said page, by deleting the word “**five**” and inserting in lieu thereof the word “**six**”, and by inserting after the number “**197.760**,” the number “**197.765**”; and

Further amend said bill, Page 4, Section 197.760, Line 2 of said page, by inserting after the word “**section**” the words “**or section 197.765**”; and

Further amend said bill, Page 4, Section 197.760, Line 13 of said page, by inserting after said line the following:

**“197.765. The meetings and records of a public hospital as defined in subdivision 2 of subsection 1 of section 197.760 shall not be construed to be a public record or a public meeting as defined in subdivisions (5) and (6) of section 610.010, RSMo, if:**

**(1) the public hospital does not receive money from a tax levy imposed by the city, county or hospital district that established the hospital; and**

**(2) the public hospital waives its right to claim sovereign or governmental tort immunity protection available pursuant to sections 537.600 to 537.615, RSMo.”.**

On motion of Representative Smith, **House Substitute Amendment No. 1 for House Amendment No. 6** was adopted.

Representative Kelly (27) offered **House Amendment No. 7.**

*House Amendment No. 7*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 858, Page 8, Section 610.021, Line 9 of said page, by inserting after the word “**law**” the following:

**”; except that, notwithstanding the provisions of sections 193.125 and 193.135, RSMo, and sections 453.120 and 453.121, RSMo, to the contrary, the original birth certificate of an adopted adult, as defined in section 453.121, RSMo, shall be an open record”; and**

Further amend said title, enacting clause and intersectional references accordingly.

Representative Backer raised a point of order that **House Amendment No. 7** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

Representative Riback Wilson (25) offered **House Substitute Amendment No. 1 for House Amendment No. 7**.

*House Substitute Amendment No. 1  
for  
House Amendment No. 7*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 858, Page 8, Section 610.021, Line 9 of said page, by inserting after the word "**law**" the following:

**"except that, notwithstanding the provisions of sections 193.125 and 193.135, RSMo, and sections 453.120 and 453.121, RSMo, to the contrary, the original birth certificate of an adopted adult, as defined in section 453.121, RSMo, shall be accessible by the adopted adult upon request".**

Representative Riback Wilson (25) moved that **House Substitute Amendment No. 1 for House Amendment No. 7** be adopted.

Which motion was defeated by the following vote:

AYES: 036

Auer	Berkowitz	Boucher 48	Bray 84	Britt
Brooks	Campbell	Days	Dougherty	Farnen
Franklin	Fraser	Graham 24	Gunn	Hilgemann
Hollingsworth	Kelly 27	Kreider	Lawson	May 108
Mays 50	McKenna	McLuckie	Riley	Scheve
Schilling	Shelton	Skaggs	Smith	Thompson
Troupe	Tudor	Van Zandt	Ward	Williams 121
Wilson 25				

NOES: 115

Abel	Akin	Alter	Backer	Barnett
Barry 100	Bartelsmeyer	Bartle	Bennett	Berkstresser
Black	Blunt	Boatright	Bonner	Champion
Chrismer	Cierpiot	Clayton	Crawford	Crump
Curls	Davis 122	Davis 63	Dolan	Enz
Evans	Fitzwater	Foley	Ford	Foster
Froelker	Gambaro	Gaskill	George	Gibbons
Graham 106	Gratz	Green	Griesheimer	Gross
Hagan-Harrell	Hampton	Hanaway	Harlan	Hartzler 123
Hartzler 124	Hegeman	Hendrickson	Hickey	Holand
Hoppe	Hosmer	Howerton	Kasten	Kelley 47
Kennedy	King	Kissell	Klindt	Koller
Leake	Legan	Levin	Liese	Linton
Lograsso	Long	Loudon	Luetkemeyer	Luetkenhaus
Marble	Merideth	Miller	Monaco	Murphy
Murray	Myers	Naeger	Nordwald	O'Connor
O'Toole	Ostmann	Overschmidt	Parker	Patek
Phillips	Pouche 30	Pryor	Purgason	Ransdall
Reid	Reinhart	Relford	Reynolds	Richardson

Ridgeway	Rizzo	Robirds	Ross	Sallee
Schwab	Scott	Secrest	Seigfreid	Selby
Shields	Summers	Surface	Townley	Treadway
Vogel	Wiggins	Williams 159	Wright	Mr. Speaker

PRESENT: 002

Wagner	Wilson 42
--------	-----------

ABSENT WITH LEAVE: 009

Ballard	Boykins	Burton	Elliott	Hohulin
Lakin	McBride	McClelland	Stokan	

VACANCIES: 001

Representative Kelly (27) moved that **House Amendment No. 7** be adopted.

Which motion was defeated.

Representative Pryor offered **House Amendment No. 8.**

*House Amendment No. 8*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 858, Page 13, Section 610.027, Line 13, by adding the following section:

**“Section A. All forms of media providing press coverage of the Missouri General Assembly shall be overseen by a seven member public board hereafter referred to as the “Truth Squad”. Violations of the truth as determined by the “Truth Squad” shall be punishable by a \$5,000 fine and loss of office space and parking privileges.”.**

Representative Pryor moved that **House Amendment No. 8** be adopted.

Which motion was defeated by the following vote:

AYES: 010

Alter	Bartelsmeyer	Berkstresser	Chrismer	Cierpiot
Hoppe	Linton	Miller	Pryor	Wright

NOES: 144

Abel	Akin	Auer	Backer	Barnett
Barry 100	Bartle	Bennett	Berkowitz	Black
Blunt	Boatright	Bonner	Boucher 48	Boykins
Bray 84	Britt	Brooks	Campbell	Champion
Clayton	Crawford	Curls	Davis 122	Davis 63
Days	Dolan	Dougherty	Enz	Evans
Farnen	Fitzwater	Foley	Ford	Foster
Franklin	Fraser	Froelker	Gambaro	Gaskill
George	Gibbons	Graham 106	Graham 24	Gratz
Green	Griesheimer	Gross	Gunn	Hagan-Harrell
Hampton	Hanaway	Harlan	Hartzler 123	Hartzler 124
Hegeman	Hendrickson	Hickey	Hilgemann	Holand
Hollingsworth	Hosmer	Howerton	Kelley 47	Kelly 27
Kennedy	King	Kissell	Klindt	Koller
Kreider	Lakin	Lawson	Leake	Legan
Levin	Liese	Lograsso	Long	Loudon
Luetkemeyer	Luetkenhaus	Marble	May 108	Mays 50

McClelland	McKenna	McLuckie	Merideth	Monaco
Murphy	Murray	Myers	Naeger	Nordwald
O'Connor	O'Toole	Ostmann	Overschmidt	Parker
Patek	Phillips	Pouche 30	Purgason	Ransdall
Reid	Reinhart	Relford	Reynolds	Richardson
Ridgeway	Riley	Rizzo	Robirds	Ross
Sallee	Scheve	Schilling	Schwab	Scott
Secrest	Seigfreid	Selby	Shelton	Shields
Skaggs	Smith	Summers	Surface	Thompson
Townley	Treadway	Troupe	Tudor	Van Zandt
Vogel	Wagner	Ward	Wiggins	Williams 121
Williams 159	Wilson 25	Wilson 42	Mr. Speaker	

PRESENT: 001

Crump

ABSENT WITH LEAVE: 007

Ballard	Burton	Elliott	Hohulin	Kasten
McBride	Stokan			

VACANCIES: 001

Representative Backer offered **House Amendment No. 9.**

*House Amendment No. 9*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 858, Page 9, Section 610.021, Lines 12-15, by deleting said lines and inserting in lieu thereof the following:

**“(19) Financial records, business and marketing plans and other proprietary information submitted as a part of a sealed bid or sealed proposal.”; and**

Further amend said bill, Page 9, Section 610.022, Line 17, by adding before the word “No” the following:

**“Laws relating to open meetings and governmental records shall be included with financial disclosure forms provided to candidates and elected officials by the Office of Secretary of State.”.**

On motion of Representative Backer, **House Amendment No. 9** was adopted.

Representative McLuckie offered **House Amendment No. 10.**

*House Amendment No. 10*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 858, Page 10, Section 610.022, Line 24 of said page, by inserting after all of said line the following:

"610.026. 1. Except as otherwise provided by law, each public governmental body shall provide access to and, upon request, furnish copies of public records subject to the following:

(1) Fees for copying public records shall not exceed the actual cost of document search and duplication **or twenty cents per page, whichever is less.** Upon request, the governmental body shall certify in writing that the actual cost of document search and duplication is fair, reasonable and does not exceed the actual cost incurred by the public governmental body. Documents may be furnished without charge or at a reduced charge when the public governmental body determines that waiver or reduction of the fee is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the public governmental body and is not primarily in the commercial interest of the requester;

(2) Fees for providing access to public records maintained on computer facilities, recording tapes or discs, videotapes or films, pictures, slides, graphics, illustrations or similar audio or visual items or devices, shall include only the cost of copies, staff time required for making copies and programming, if necessary, and the disk or tape used for the duplication.

2. Payment of such copying fees may be requested prior to the making of copies.

3. Except as otherwise provided by law, each public governmental body of the state shall remit all moneys received by or for it from fees charged pursuant to this section to the director of revenue for deposit to the general revenue fund of the state.

4. Except as otherwise provided by law, each public governmental body of a political subdivision of the state shall remit all moneys received by it or for it from fees charged pursuant to sections 610.010 to 610.028 to the appropriate fiscal officer of such political subdivision for deposit to the governmental body's accounts.

5. The term "tax, license or fees" as used in section 22 of article X of the Constitution of the state of Missouri does not include copying charges and related fees that do not exceed the level necessary to pay or to continue to pay the costs for providing a service, program, or activity which was in existence on November 4, 1980, or which was approved by a vote of the people subsequent to November 4, 1980."; and

Further amend the title, enacting clause and intersectional references accordingly.

Representative Schilling offered **House Substitute Amendment No. 1 for House Amendment No. 10.**

*House Substitute Amendment No. 1  
for  
House Amendment No. 10*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 858, Page 10, Section 610.022, Line 24 of said page, by inserting after all of said line the following:

"610.026. 1. Except as otherwise provided by law, each public governmental body shall provide access to and, upon request, furnish copies of public records subject to the following:

(1) Fees for copying public records shall not exceed the actual cost of document search and duplication[. Upon request, the governmental body shall certify in writing that the actual cost of document search and duplication is fair, reasonable and does not exceed the actual cost incurred by the public governmental body] **or twenty-five cents per page, whichever is less. If the actual cost of search and duplication exceeds twenty-five cents per page, then the governmental body shall certify in writing why the search of the specific documents will require extraordinary effort and then the governmental body may charge the actual cost of search and duplication.** Documents may be furnished without charge or at a reduced charge when the public governmental body determines that waiver or reduction of the fee is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the public governmental body and is not primarily in the commercial interest of the requester;

(2) Fees for providing access to public records maintained on computer facilities, recording tapes or discs, videotapes or films, pictures, slides, graphics, illustrations or similar audio or visual items or devices, shall include only the cost of copies, staff time required for making copies and programming, if necessary, and the disk or tape used for the duplication.

2. Payment of such copying fees may be requested prior to the making of copies.

3. Except as otherwise provided by law, each public governmental body of the state shall remit all moneys received by or for it from fees charged pursuant to this section to the director of revenue for deposit to the general revenue fund of the state.

4. Except as otherwise provided by law, each public governmental body of a political subdivision of the state shall remit all moneys received by it or for it from fees charged pursuant to sections 610.010 to 610.028 to the appropriate fiscal officer of such political subdivision for deposit to the governmental body's accounts.

5. The term "tax, license or fees" as used in section 22 of article X of the Constitution of the state of Missouri does not include copying charges and related fees that do not exceed the level necessary to pay or to continue to pay the costs for providing a service, program, or activity which was in existence on November 4, 1980, or which was approved by a vote of the people subsequent to November 4, 1980."; and

Further amend the title, enacting clause and intersectional references accordingly.

On motion of Representative Schilling, **House Substitute Amendment No. 1 for House Amendment No. 10** was adopted.

Representative Troupe offered **House Amendment No. 11**.

*House Amendment No. 11*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 858, Page 4, Section 197.760, Line 13, by inserting immediately after said line the following:

"217.412. **1.** It shall be the duty of the department of corrections to ensure that an autopsy is performed upon all offenders within the custody of the department who die under violent or suspicious circumstances or apparent suicide to ascertain as nearly as possible the cause of death. The department shall maintain a record of the findings and conclusions of each such autopsy.

**2. The department shall provide a copy of such record to any member of the general assembly upon request."**

Representative Smith raised a point of order that **House Amendment No. 11** goes beyond the scope and is not germane to the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Troupe, **House Amendment No. 11** was adopted by the following vote:

AYES: 106

Abel	Auer	Backer	Barnett	Barry 100
Bartle	Berkowitz	Black	Blunt	Boatright
Bonner	Boucher 48	Boykins	Bray 84	Britt
Brooks	Campbell	Cierpiot	Crump	Curls
Davis 63	Days	Dolan	Dougherty	Farnen
Foley	Ford	Franklin	Fraser	Froelker
Gambaro	George	Gibbons	Graham 106	Graham 24
Green	Griesheimer	Gunn	Hagan-Harrell	Hampton
Harlan	Hartzler 124	Hegeman	Hendrickson	Hickey
Hilgemann	Holand	Hollingsworth	Hoppe	Hosmer
Howerton	Kasten	Kelley 47	Kelly 27	King
Kissell	Klindt	Koller	Kreider	Lawson
Leake	Liese	Luetkemeyer	Luetkenhaus	May 108
Mays 50	McKenna	McLuckie	Merideth	Murray
Myers	Nordwald	O'Connor	O'Toole	Overschmidt
Parker	Phillips	Ransdall	Reid	Reinhart
Reynolds	Ridgeway	Riley	Rizzo	Ross
Scheve	Schilling	Secrest	Selby	Shelton
Skaggs	Summers	Thompson	Treadway	Troupe
Tudor	Van Zandt	Vogel	Ward	Wiggins
Williams 121	Williams 159	Wilson 25	Wilson 42	Wright
Mr. Speaker				

NOES: 044

Akin	Alter	Bartelsmeyer	Berkstresser	Champion
Chrismer	Clayton	Crawford	Davis 122	Enz
Evans	Fitzwater	Foster	Gaskill	Gratz
Gross	Hanaway	Hartzler 123	Legan	Linton
Lograsso	Long	Loudon	Marble	McClelland
Miller	Murphy	Naeger	Ostmann	Patek
Pouche 30	Pryor	Purgason	Relford	Richardson
Robirds	Sallee	Schwab	Seigfreid	Shields
Smith	Surface	Townley	Wagner	

PRESENT: 000

ABSENT WITH LEAVE: 012

Ballard	Bennett	Burton	Elliott	Hohulin
Kennedy	Lakin	Levin	McBride	Monaco
Scott	Stokan			

VACANCIES: 001

Representative Legan offered **House Amendment No. 12.**

*House Amendment No. 12*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 858, Page 4, Section 197.760, Line 13, by inserting immediately after said line the following:

“610.015. Except as provided in section 610.021, rules authorized pursuant to article III of the Missouri Constitution and as otherwise provided by law, all votes shall be recorded, and [if a roll call is taken, as to attribute] **attributed as to** each “yea” and “nay” vote, or abstinence if not voting, to the name of the individual member of the public governmental body. Any votes taken during a closed **or open** meeting shall be taken by roll call, **except votes on procedural or ministerial matters**. All public meetings shall be open to the public and public votes and public records shall be open to the public for inspection and duplication.”; and

Further amend the title, enacting clause and intersectional references accordingly.

On motion of Representative Legan, **House Amendment No. 12** was adopted.

Representative Barry offered **House Amendment No. 13.**

Representative Smith raised a point of order that **House Amendment No. 13** goes beyond the scope and is not germane to the bill.

The Chair ruled the point of order well taken.

Representative Campbell offered **House Amendment No. 13.**

*House Amendment No. 13*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 858, Page 4, Section 197.760, Line 13, by inserting after said line the following:

"610.010. As used in sections 610.010 to 610.030 and sections 610.100 to 610.150, unless the context otherwise indicates, the following terms mean:

- (1) "Closed meeting", "closed record", or "closed vote", any meeting, record or vote closed to the public;
- (2) "Copying", if requested by a member of the public, copies provided as detailed in section 610.026, if duplication equipment is available;
- (3) "Public business", all matters which relate in any way to the performance of the public governmental body's functions or the conduct of its business;
- (4) "Public governmental body", any legislative, administrative or governmental entity created by the constitution or statutes of this state, by order or ordinance of any political subdivision or district, judicial entities when operating in an administrative capacity, or by executive order, including:
  - (a) Any body, agency, board, bureau, council, commission, committee, board of regents or board of curators or any other governing body of any institution of higher education, including a community college, **and including, but not limited to, the University of Missouri**, which is supported in whole or in part from state funds;
  - (b) Any advisory committee or commission appointed by the governor by executive order;
  - (c) Any department or division of the state, of any political subdivision of the state, of any county or of any municipal government, school district or special purpose district including but not limited to sewer districts, water districts, and other subdistricts of any political subdivision;
  - (d) Any other legislative or administrative governmental deliberative body under the direction of three or more elected or appointed members having rulemaking or quasi-judicial power;
  - (e) Any committee appointed by or at the direction of any of the entities and which is authorized to report to any of the above-named entities, any advisory committee appointed by or at the direction of any of the named entities for the specific purpose of recommending, directly to the public governmental body's governing board or its chief administrative officer, policy or policy revisions or expenditures of public funds including, but not limited to, entities created to advise bi-state taxing districts regarding the expenditure of public funds, or any policy advisory body, policy advisory committee or policy advisory group appointed by a president, chancellor or chief executive officer of any college or university system or individual institution at the direction of the governing body of such institution which is supported in whole or in part with state funds, **including, but not limited to, the University of Missouri**, for the specific purpose of recommending directly to the public governmental body's governing board or the president, chancellor or chief executive officer policy, policy revisions or expenditures of public funds provided, however, the staff of the college or university president, chancellor or chief executive officer shall not constitute such a policy advisory committee. The custodian of the records of any public governmental body shall maintain a list of the policy advisory committees described in this subdivision; and
  - (f) Any quasi-public governmental body. The term "quasi-public governmental body" means any person, corporation or partnership organized or authorized to do business in this state pursuant to the provisions of chapter 352, 353, or 355, RSMo, or unincorporated association which either:
    - a. Has as its primary purpose to enter into contracts with public governmental bodies, or to engage primarily in activities carried out pursuant to an agreement or agreements with public governmental bodies; or
    - b. Performs a public function as evidenced by a statutorily based capacity to confer or otherwise advance, through approval, recommendation or other means, the allocation or issuance of tax credits, tax abatement, public debt, tax-exempt debt, rights of eminent domain, or the contracting of leaseback agreements on structures whose annualized payments commit public tax revenues; or any association that directly accepts the appropriation of money from a public governmental body, but only to the extent that a meeting, record, or vote relates to such appropriation;
- (5) "Public meeting", any meeting of a public governmental body subject to sections 610.010 to 610.030 at which any public business is discussed, decided, or public policy formulated, whether corporeal or by means of communication equipment. The term "public meeting" shall not include an informal gathering of members of a public governmental body for ministerial or social purposes when there is no intent to avoid the purposes of this chapter, but the term shall include a public vote of all or a majority of the members of a public governmental body, by electronic communication or any other means, conducted in lieu of holding a public meeting with the members of the public governmental body gathered at one location in order to conduct public business;
- (6) "Public record", any record, whether written or electronically stored, retained by or of any public governmental body including any report, survey, memorandum, or other document or study prepared and presented to the public governmental body by a consultant or other professional service paid for in whole or in part by public funds; provided, however, that personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the

parents, guardian or other custodian and the student if the student is over the age of eighteen years. The term "public record" shall not include any internal memorandum or letter received or prepared by or on behalf of a member of a public governmental body consisting of advice, opinions and recommendations in connection with the deliberative decision-making process of said body, unless such records are retained by the public governmental body or presented at a public meeting;

(7) "Public vote", any vote cast at any public meeting of any public governmental body."; and

Further amend said bill by amending the title and enacting clause accordingly.

On motion of Representative Campbell, **House Amendment No. 13** was adopted.

Representative Van Zandt offered **House Amendment No. 14**.

*House Amendment No. 14*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 858, Page 8, Section 610.021, Line 17 of said page, by inserting immediately after the word "**product**" the following:

**“, but this exception shall not include any completed audit for any public entity or state supported college or university;”.**

Speaker Gaw resumed the Chair.

On motion of Representative Van Zandt, **House Amendment No. 14** was adopted.

Representative Pouche offered **House Amendment No. 15**.

*House Amendment No. 15*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 858, Page 1, Section 166.456, Line 18, by inserting after all of said line the following:

"193.245. It shall be unlawful for any person to permit inspection of, or to disclose information contained in, vital records or to copy or issue a copy of all or part of any such record except as authorized by this law and by regulation or by order of a court of competent jurisdiction or in the following situations:

(1) A listing of persons who are born or who die on a particular date may be disclosed upon request, but no information from the record other than the name and the date of such birth or death shall be disclosed;

(2) The department may authorize the disclosure of information contained in vital records for legitimate research purposes;

(3) To a qualified applicant as provided in section 193.255;

**(4) The department shall provide microfilms or electronically created copies of all vital records that are seventy-two years old or older, and microfilms or electronically created copies of indexes to such records to the state archives for study by the public.”; and**

Further amend the title, enacting clause and intersectional references accordingly.

Representative Smith raised a point of order that **House Amendment No. 15** goes beyond the scope and is not germane to the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Pouche, **House Amendment No. 15** was adopted.

Representative Froelker offered **House Amendment No. 16**.

*House Amendment No. 16*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 858, Page 11, Section 610.027, Line 22, by deleting the word “**five**” and inserting in lieu thereof the word “**three**”.

Representative Smith raised a point of order that **House Amendment No. 16** is dilatory.

The Chair ruled the point of order not well taken.

Representative Froelker moved that **House Amendment No. 16** be adopted.

Which motion was defeated.

Representative Ridgeway offered **House Amendment No. 17**.

*House Amendment No. 17*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 858, Page 7, Section 610.027, Line 39, by adding after said line the following:

**“No public governmental body shall record in its minutes, journal or record of proceedings , any motion that has not been made orally while, the public body is in open session, but the public governmental body need not record said motions while operating in sessions allowed to be closed pursuant to RSMo 610, unless a roll call vote is called thereon.”.**

Representative Ridgeway moved that **House Amendment No. 17** be adopted.

Which motion was defeated by the following vote:

AYES: 070

Akin	Alter	Barnett	Bartelsmeyer	Bartle
Bennett	Berkstresser	Black	Blunt	Boatright
Champion	Chrismer	Cierpiot	Crawford	Dolan
Enz	Evans	Foster	Froelker	Gaskill
Gibbons	Graham 106	Griesheimer	Gross	Hanaway
Hartzler 123	Hartzler 124	Hegeman	Hendrickson	Hohulin
Holand	Howerton	Kasten	Kelley 47	King
Klindt	Legan	Levin	Linton	Long
Loudon	Luetkemeyer	Marble	McClelland	Miller
Murphy	Myers	Naeger	Nordwald	Ostmann
Patek	Phillips	Pouche 30	Pryor	Purgason
Reinhart	Richardson	Ridgeway	Robirds	Ross
Sallee	Schwab	Secrest	Shields	Summers
Surface	Townley	Tudor	Vogel	Wright

NOES: 082

Abel	Auer	Backer	Barry 100	Berkowitz
Bonner	Boucher 48	Boykins	Bray 84	Britt
Brooks	Campbell	Clayton	Crump	Curls

Davis 122	Davis 63	Days	Dougherty	Farnen
Fitzwater	Foley	Ford	Franklin	Fraser
Gambaro	George	Graham 24	Gratz	Green
Gunn	Hagan-Harrell	Hampton	Harlan	Hickey
Hilgemann	Hollingsworth	Hoppe	Hosmer	Kelly 27
Kennedy	Kissell	Koller	Kreider	Lakin
Lawson	Leake	Liese	Luetkenhaus	May 108
Mays 50	McKenna	McLuckie	Merideth	Monaco
Murray	O'Connor	O'Toole	Overschmidt	Parker
Ransdall	Relford	Riley	Rizzo	Scheve
Schilling	Seigfreid	Selby	Shelton	Skaggs
Smith	Thompson	Treadway	Van Zandt	Wagner
Ward	Wiggins	Williams 121	Williams 159	Wilson 25
Wilson 42	Mr. Speaker			

PRESENT: 001

Reid

ABSENT WITH LEAVE: 009

Ballard	Burton	Elliott	Lograsso	McBride
Reynolds	Scott	Stokan	Troupe	

VACANCIES: 001

Representative Graham (24) offered **House Amendment No. 18**.

Representative Smith raised a point of order that **House Amendment No. 18** goes beyond the scope and is not germane to the bill.

The Chair ruled the point of order well taken.

Representative Marble offered **House Amendment No. 18**.

**House Amendment No. 18** was withdrawn.

On motion of Representative Smith, **HS HCS SB 858, as amended**, was adopted.

On motion of Representative Smith, **HS HCS SB 858, as amended**, was read the third time and passed by the following vote:

AYES: 152

Abel	Akin	Alter	Auer	Backer
Barnett	Barry 100	Bartelsmeyer	Bartle	Bennett
Berkowitz	Berkstresser	Black	Blunt	Boatright
Bonner	Boucher 48	Boykins	Bray 84	Britt
Brooks	Campbell	Champion	Chrismer	Cierpiot
Clayton	Crawford	Crump	Curls	Davis 122
Davis 63	Days	Dolan	Dougherty	Enz
Evans	Farnen	Fitzwater	Foley	Ford
Foster	Franklin	Fraser	Froelker	Gambaro
Gaskill	George	Gibbons	Graham 106	Graham 24
Gratz	Green	Griesheimer	Gross	Gunn
Hagan-Harrell	Hampton	Hanaway	Harlan	Hartzler 123
Hartzler 124	Hegeman	Hendrickson	Hickey	Hilgemann
Holand	Hollingsworth	Hoppe	Hosmer	Howerton
Kasten	Kelley 47	Kelly 27	Kennedy	King
Kissell	Klindt	Koller	Kreider	Lakin

Lawson	Leake	Legan	Levin	Liese
Linton	Long	Loudon	Luetkemeyer	Luetkenhaus
Marble	May 108	Mays 50	McClelland	McKenna
McLuckie	Merideth	Miller	Monaco	Murphy
Murray	Myers	Naeger	Nordwald	O'Connor
O'Toole	Ostmann	Overschmidt	Parker	Patek
Phillips	Pouche 30	Pryor	Purgason	Ransdall
Reid	Reinhart	Relford	Richardson	Ridgeway
Riley	Rizzo	Robirds	Ross	Scheve
Schilling	Schwab	Scott	Secrest	Seigfreid
Selby	Shelton	Shields	Skaggs	Smith
Summers	Surface	Thompson	Townley	Treadway
Tudor	Van Zandt	Vogel	Wagner	Ward
Wiggins	Williams 121	Williams 159	Wilson 25	Wilson 42
Wright	Mr. Speaker			

NOES: 002

Hohulin                      Sallee

PRESENT: 000

ABSENT WITH LEAVE: 008

Ballard	Burton	Elliott	Lograsso	McBride
Reynolds	Stokan	Troupe		

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Fraser, title to the bill was agreed to.

Representative Kelly (27) moved that the vote by which the bill passed be reconsidered.

Representative Koller moved that motion lay on the table.

The latter motion prevailed.

**SCS SB 779**, relating to farm machinery inventory repurchase, was placed on the Informal Calendar.

**HCS SS SCS SB 577**, relating to hazardous waste, was taken up by Representative Ransdall.

Representative Dougherty offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 24, Section 260.569, Line 39, by inserting after all of said line the following:

**"701.337. 1. The department shall have the authority to develop a plan for implementing a program that provides financial assistance via loans or grants to owners of dwellings or child-occupied facilities for performing lead abatement projects. In developing the plan, the department shall consult with the department of natural resources and the department of economic development.**

**2. The program shall accept applications from local entities for implementing at the local level of lead**

abatement projects that conform with the requirements of sections 701.300 to 701.338, and any rules promulgated thereunder. For purposes of this section, "local entities" shall include any municipality or county, any local not-for-profit community or housing organization or any community assistance project agency.

3. There is hereby established in the state treasury the "Missouri Lead Abatement Loan Fund". The state treasurer shall receive and deposit to the credit of the fund moneys from appropriations by the general assembly, repayments by applicants of loans made pursuant to this section, including interest on such loans, and gifts, bequests, donations or any other payments made by any public or private entity for use in carrying out the provisions of this section. The state treasurer shall deposit all moneys in the fund in any of the qualified depositories of the state. All such deposits shall be secured in such a manner and shall be made upon such terms and conditions as are now or may hereafter be provided by law relative to state deposits. Interest accrued by the fund shall be credited to the fund. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not revert to the credit of the general revenue fund at the end of the biennium. The fund shall be used solely for the purposes of this section and for no other purpose."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Dougherty, **House Amendment No. 1** was adopted.

Representative Marble requested a division of the question on **HCS SS SCS SB 577, as amended.**

On motion of Representative Ransdall, **Part I of HCS SS SCS SB 577, as amended,** was adopted.

Representative Ransdall offered **House Amendment No. 1 to Part II of HCS SS SCS SB 577.**

*House Amendment No. 1  
to  
Part II*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Page 1, In the title, Line 5, by deleting the following: "**a certain section**" and inserting in lieu thereof the following: "**certain sections**"; and

Further amend said bill, Page 1, Section A, Line 3, by deleting the word "**eleven**" and inserting in lieu thereof the word "**twenty-four**"; and

Further amend said bill, Page 1, Section A, Line 4, by deleting the following: "**and 260.569,**" and inserting in lieu thereof the following:

", **260.569, 260.900, 260.905, 260.910, 260.915, 260.920, 260.925, 260.930, 260.935, 260.940, 260.945, 260.950, 260.955 and 260.960,**"; and

Further amend said bill, Page 24, Section B, Lines 1 to 3, by deleting all of said lines; and

Further amend said bill, Pages 26 to 27, Section 260.905, Lines 13 to 42, by deleting all of said lines; and

Further amend said bill, Page 27, Section 260.905, Line 43, by deleting the symbol "**(3)**" and inserting in lieu thereof the symbol "**(1)**"; and

Further amend said bill, Page 27, Section 260.905, Line 46, by deleting the symbol "(4)" and inserting in lieu thereof the symbol "(2)"; and

Further amend said bill, Page 27, Section 260.905, Line 56, by deleting the symbol "(5)" and inserting in lieu thereof the symbol "(3)"; and

Further amend said bill, Page 27, Section 260.905, Line 59, by deleting the symbol "(4)" and inserting in lieu thereof the symbol "(2)"; and

Further amend said bill, Page 28, Section 260.910, Line 4, by adding immediately after the number "**260.960**" the following:

**", or operate an active dry cleaning facility in violation of any other applicable federal or state environmental statutes, rules or regulations"; and**

Further amend said bill, Page 29, Section 260.925, Line 5, by deleting the words "(4) and (5) of subsection 5" and inserting in lieu thereof the words "(2) and (3) of subsection 2"; and

Further amend said bill, Page 30, Section 260.925, Line 44, by deleting the word "**or**"; and

Further amend said bill, Page 30, Section 260.925, Line 47, by inserting immediately after the word "**list**" the following:

";

**(5) For corrective action at sites with active dry cleaning facilities where the owner or operator is not in compliance with sections 260.900 to 260.960, rules and regulations adopted pursuant to sections 260.900 to 260.960, orders of the director pursuant to sections 260.900 to 260.960, or any other applicable federal or state environmental statutes, rules or regulations; or**

**(6) For corrective action at sites with abandoned dry cleaning facilities that have been taken out of operation prior to July 1, 2004, and not documented by or reported to the department by July 1, 2004. Any person reporting such a site to the department shall include any available evidence that the site once contained a dry cleaning facility"; and**

Further amend said bill, Page 32, Section 260.925, Line 98, by deleting the words "**subsection 3**" and inserting in lieu thereof the words "**subsection 5**"; and

Further amend said bill, Page 32, Section 260.925, Lines 112 to 114, by deleting all of said lines; and

Further amend said bill, Page 34, Section 260.940, Line 6, by deleting the word "**ten**" and inserting in lieu thereof the word "**eight**"; and

Further amend said bill, Page 37, Section C, Line 1, by deleting all of said line and inserting in lieu thereof the following:

"Section B. Sections 260.900, 260.905, 260.910, 260.915, 260.920, 260.925, 260.930, 260.935, 260.940, 260.945, 260.950, 260.955 and 260.960 of this act shall expire on August 28, 2007."; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Marble offered **House Substitute Amendment No. 1 for House Amendment No. 1 to Part II of HCS SS SCS SB 577.**

*House Substitute Amendment No. 1  
for  
House Amendment No. 1  
to  
Part II*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Pages 24 to 37, Sections 260.900 to 260.960, by deleting all of said sections and inserting in lieu thereof the following:

**“Section 260.900. By January 1, 2002, the department of natural resources shall submit to the General Assembly a report identifying abandoned dry cleaning sites in the state. To the extent practicable and using readily available information, the report shall also include for abandoned sites:**

- (1) An assessment of potential contamination;**
- (2) Identification of parties that are potentially responsible for any possible contamination;**
- (3) An estimate of the costs of completing remediation work;**
- (4) An estimate of the proportion of such costs that are likely to be recovered from potentially responsible parties; and**
- (5) An estimate of the remaining remediation costs that are likely to be borne by the state.”; and**

Further amend said bill, Page 37, Section C, by deleting all of said section; and

Further amend the title and enacting clauses accordingly.

Representative Marble moved that **House Substitute Amendment No. 1 for House Amendment No. 1 to Part II of HCS SS SCS SB 577** be adopted.

Which motion was defeated by the following vote:

AYES: 059

Akin	Alter	Barnett	Bartelsmeyer	Bartle
Bennett	Berkstresser	Blunt	Boatright	Champion
Chrismer	Cierpiot	Crawford	Enz	Foster
Froelker	Gaskill	Graham 106	Graham 24	Gratz
Griesheimer	Gross	Hartzler 123	Hartzler 124	Hegeman
Hendrickson	Hohulin	Holand	Howerton	Kasten
Kelley 47	King	Klindt	Lawson	Levin
Linton	Luetkemeyer	Marble	Miller	Murphy
Myers	Nordwald	Ostmann	Phillips	Pouche 30
Pryor	Purgason	Reinhart	Ridgeway	Sallee
Scott	Secrest	Shields	Summers	Surface
Townley	Tudor	Vogel	Wright	

NOES: 095

Abel	Auer	Backer	Barry 100	Berkowitz
Black	Bonner	Boucher 48	Boykins	Bray 84
Britt	Brooks	Campbell	Clayton	Crump
Curls	Davis 122	Davis 63	Days	Dolan
Dougherty	Evans	Farnen	Fitzwater	Foley
Ford	Franklin	Fraser	Gambaro	George
Gibbons	Green	Gunn	Hagan-Harrell	Hampton
Hanaway	Harlan	Hickey	Hilgemann	Hollingsworth
Hoppe	Hosmer	Kelly 27	Kennedy	Kissell
Koller	Kreider	Lakin	Leake	Legan
Liese	Loudon	Luetkenhaus	May 108	Mays 50
McClelland	McKenna	McLuckie	Merideth	Monaco
Murray	Naeger	O'Connor	O'Toole	Overschmidt
Parker	Patek	Ransdall	Reid	Relford
Richardson	Riley	Rizzo	Robirds	Ross

Scheve	Schilling	Schwab	Seigfreid	Selby
Shelton	Skaggs	Smith	Thompson	Treadway
Troupe	Van Zandt	Wagner	Ward	Wiggins
Williams 121	Williams 159	Wilson 25	Wilson 42	Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 008

Ballard	Burton	Elliott	Lograsso	Long
McBride	Reynolds	Stokan		

VACANCIES: 001

Representative Griesheimer offered **House Substitute Amendment No. 2 for House Amendment No. 1 to Part II of HCS SS SCS SB 577.**

*House Substitute Amendment No. 2  
for  
House Amendment No. 1  
to  
Part II*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 577, Pages 26 to 27, Section 260.905, Lines 13 to 42, by deleting all of said lines; and

Further amend said bill, Page 27, Section 260.905, Line 43, by deleting the symbol “(3)” and inserting in lieu thereof the symbol “(1)”; and

Further amend said bill, Page 27, Section 260.905, Line 46, by deleting the symbol “(4)” and inserting in lieu thereof the symbol “(2)”; and

Further amend said bill, Page 27, Section 260.905, Line 56, by deleting the symbol “(5)” and inserting in lieu thereof the symbol “(3)”; and

Further amend said bill, Page 27, Section 260.905, Line 59, by deleting the symbol “(4)” and inserting in lieu thereof the symbol “(2)”; and

Further amend said bill, Page 29, Section 260.925, Line 5, by deleting the words “(4) and (5) of subsection 5” and inserting in lieu thereof the words “(2) and (3) of subsection 2”; and

Further amend said bill, Page 32, Section 260.925, Line 98, by deleting the words “subsection 3” and inserting in lieu thereof the words “subsection 5”; and

Further amend said bill, Page 32, Section 260.925, Line 114, by inserting immediately after all of said line the following:

**“12. Any other provision of law notwithstanding, the department may, upon appropriation, use moneys from the hazardous waste remedial fund created in section 260.480 to address contamination resulting from releases of dry cleaning solvents as provided in sections 260.900 to 260.960 in an amount not to exceed one hundred thousand dollars per year from January 1, 2003, to December 31, 2004.” ; and**

Further amend said bill, Page 33, Section 260.935, Line 4, by deleting the words “Five hundred” and inserting in lieu thereof the words “Two hundred fifty”; and

Further amend said bill, Page 33, Section 260.935, Line 7, by deleting the words “**One thousand**” and inserting in lieu thereof the words “**Five hundred**”; and

Further amend said bill, Page 33, Section 260.935, Line 12, by deleting the words “**Fifteen hundred**” and inserting in lieu thereof the words “**Seven hundred fifty**”; and

Further amend said bill, Page 34, Section 260.940, Line 6, by deleting the word “**ten**” and inserting in lieu thereof the word “**five**”.

Representative Griesheimer moved that **House Substitute Amendment No. 2 for House Amendment No. 1 to Part II of HCS SS SCS SB 577** be adopted.

Which motion was defeated by the following vote:

AYES: 067

Akin	Alter	Barnett	Bartelsmeyer	Bartle
Bennett	Berkstresser	Black	Blunt	Boatright
Champion	Chrismer	Cierpiot	Crawford	Enz
Foster	Froelker	Gaskill	Gibbons	Graham 106
Graham 24	Gratz	Griesheimer	Gross	Hanaway
Hartzler 123	Hartzler 124	Hegeman	Hendrickson	Hohulin
Holand	Howerton	Kelley 47	King	Kissell
Klindt	Lawson	Levin	Linton	Lograsso
Long	Loudon	Luetkemeyer	Marble	Miller
Myers	Naeger	Nordwald	Overschmidt	Phillips
Pouche 30	Pryor	Purgason	Reid	Reinhart
Ridgeway	Robirds	Sallee	Scott	Secrest
Shields	Summers	Surface	Townley	Tudor
Vogel	Wright			

NOES: 087

Abel	Auer	Backer	Barry 100	Berkowitz
Bonner	Boucher 48	Boykins	Bray 84	Britt
Campbell	Clayton	Crump	Curls	Davis 122
Davis 63	Days	Dolan	Dougherty	Evans
Farnen	Fitzwater	Foley	Ford	Fraser
Gambaro	George	Green	Gunn	Hagan-Harrell
Hampton	Harlan	Hickey	Hilgemann	Hollingsworth
Hoppe	Hosmer	Kasten	Kelly 27	Kennedy
Koller	Kreider	Lakin	Leake	Legan
Liese	Luetkenhaus	May 108	Mays 50	McClelland
McKenna	McLuckie	Merideth	Monaco	Murphy
Murray	O'Connor	O'Toole	Ostmann	Parker
Patek	Ransdall	Relford	Richardson	Riley
Rizzo	Ross	Scheve	Schilling	Schwab
Seigfreid	Selby	Shelton	Skaggs	Smith
Thompson	Treadway	Troupe	Van Zandt	Wagner
Ward	Wiggins	Williams 121	Williams 159	Wilson 25
Wilson 42	Mr. Speaker			

PRESENT: 001

Brooks

ABSENT WITH LEAVE: 007

Ballard	Burton	Elliott	Franklin	McBride
Reynolds	Stokan			

VACANCIES: 001

On motion of Representative Ransdall, **House Amendment No. 1 to Part II of HCS SS SCS SB 577** was adopted.

Representative Schilling offered **House Amendment No. 2 to Part II of HCS SS SCS SB 577**.

Representative Marble raised a point of order that **House Amendment No. 2 to Part II of HCS SS SCS SB 577** amends previously amended material.

The Chair ruled the point of order well taken.

On motion of Representative Ransdall, **Part II of HCS SS SCS SB 577, as amended**, was adopted.

On motion of Representative Ransdall, **HCS SS SCS SB 577, as amended**, was read the third time and passed by the following vote:

AYES: 112

Abel	Auer	Backer	Barnett	Barry 100
Bartle	Bennett	Berkowitz	Blunt	Bonner
Boucher 48	Boykins	Bray 84	Britt	Brooks
Campbell	Champion	Clayton	Crump	Curls
Davis 122	Davis 63	Days	Dolan	Dougherty
Evans	Farnen	Fitzwater	Foley	Ford
Foster	Franklin	Fraser	Gambaro	Gaskill
George	Gibbons	Green	Gunn	Hagan-Harrell
Hampton	Hanaway	Harlan	Hegeman	Hilgemann
Holand	Hollingsworth	Hoppe	Hosmer	Howerton
Kelley 47	Kelly 27	Kennedy	Kissell	Klindt
Koller	Kreider	Lakin	Leake	Legan
Liese	Linton	Loudon	Luetkenhaus	May 108
Mays 50	McClelland	McKenna	McLuckie	Merideth
Monaco	Murphy	Murray	Naeger	O'Connor
O'Toole	Ostmann	Overschmidt	Parker	Patek
Pouche 30	Ransdall	Reid	Relford	Richardson
Riley	Rizzo	Ross	Scheve	Schilling
Schwab	Secrest	Seigfreid	Selby	Shelton
Shields	Skaggs	Smith	Thompson	Treadway
Tudor	Van Zandt	Vogel	Wagner	Ward
Wiggins	Williams 121	Williams 159	Wilson 25	Wilson 42
Wright	Mr. Speaker			

NOES: 042

Akin	Alter	Bartelsmeyer	Berkstresser	Black
Boatright	Chrismer	Cierpiot	Crawford	Enz
Froelker	Graham 106	Graham 24	Gratz	Griesheimer
Gross	Hartzler 123	Hartzler 124	Hendrickson	Hickey
Hohulin	Kasten	Lawson	Levin	Lograsso
Long	Luetkemeyer	Marble	Miller	Myers
Nordwald	Phillips	Pryor	Purgason	Reinhart
Ridgeway	Robirds	Sallee	Scott	Summers
Surface	Townley			

PRESENT: 000

ABSENT WITH LEAVE: 008

Ballard	Burton	Elliott	King	McBride
Reynolds	Stokan	Troupe		

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Boykins, title to the bill was agreed to.

Representative McKenna moved that the vote by which the bill passed be reconsidered.

Representative Scheve moved that motion lay on the table.

The latter motion prevailed.

**HCS SB 741**, relating to water pollution control, was taken up by Representative Backer.

Representative Summers offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Bill No. 741, Pages 1 to 3, Section 247.030, Lines 1 to 70, by deleting all of said section; and

Further amend said bill, Pages 3 and 4, Section 247.050, Lines 1 to 42, by deleting all of said section; and

Further amend said bill, Pages 5 and 6, Section 393.705, Lines 1 to 35, by deleting all of said section; and

Further amend said bill, Pages 6 to 9, Section 393.715, Lines 1 to 88, by deleting all of said section; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Summers, **House Amendment No. 1** was adopted.

Representative Williams (159) offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Bill No. 741, Page 1, In the title, Lines 2 to 4, by deleting all of said lines and inserting in lieu thereof the following:

"To repeal sections 247.050, 249.255 and 278.130, RSMo 1994, sections 247.030, 249.422, 393.705 and 393.715, RSMo Supp. 1999, section 278.080, RSMo Supp. 1999, as enacted by senate bill no. 3 of the first regular session of the eighty-eighth general assembly, and section 278.080, RSMo Supp. 1999, as enacted by senate bill no. 65 of the first regular session of the eighty-eighth general assembly, relating to water pollution control, and to enact in lieu thereof twelve new sections relating to the same subject, with an emergency clause for a certain section."; and

Further amend said bill, Page 9, Section 644.576, Line 5, by inserting after all of said line the following:

"Section B. Section 278.130, RSMo 1994, and section 278.080, RSMo Supp. 1999, as enacted by senate bill no. 3 of the first regular session of the eighty-eighth general assembly, and section 278.080, RSMo Supp. 1999, as enacted by senate bill no. 65 of the first regular session of the eighty-eighth general assembly, are repealed and three new sections enacted in lieu thereof, to be known as sections 278.080, 278.130 and 278.135, to read as follows:

**278.080. 1.** There is hereby established "The State Soil and Water Districts Commission" to administer for this state the soil and water conservation districts provided for by sections 278.060 to 278.300. The state soil and water districts commission shall formulate policies and general programs for the saving of Missouri soil and water by the soil and water conservation districts, and shall give consideration to the districts' needs based on their character; it shall receive and allocate or otherwise expend for the use or benefit of the soil and water conservation districts any funds appropriated by the general assembly for the use or benefit of such districts, including a soil and water conservation cost-share program; it shall receive and properly convey to the soil and water conservation districts any other form of aid extended to such districts by any other agency of this state, except that any money or other form of aid raised or provided within a soil and water district for the use or benefit of that soil and water district shall be received and administered by the governing body of that soil and water district; it shall exercise other authority conferred upon it and perform other duties assigned to it by sections 278.060 to 278.300; and shall be the administrative agency to represent this state in these and all other matters arising from the provisions of sections 278.060 to 278.300.

**2.** The state soil and water districts commission shall be composed of four ex officio members and six farmer members. The six farmer members shall be appointed by the governor of Missouri with the advice and consent of the senate. Three of the farmer members shall reside in the portion of this state which is north of the Missouri River and three of the farmer members shall reside in the portion of this state which is south of the Missouri River. The membership shall be geographically dispersed with no more than one of the farmer members appointed from a state senatorial district. Not more than four of the farmer members shall be from the same political party. The ex officio members shall be the director of the department of natural resources, the director of the department of agriculture, the director of the department of conservation, and the dean of the college of agriculture of the University of Missouri. Each of the six farmer members shall be holding legal title to a farm, and shall be earning at least the principal part of the member's livelihood from a farm, all at the time of appointment to the commission. The farmer members shall each be appointed for a period of three years. All members of the commission serving as of the effective date of this act may continue to serve the unexpired portion of the member's current term. There is no limitation on the number of terms that any of the farmer members appointed by the governor may serve. If any farmer member vacates his or her term for any reason prior to the expiration of such term, the governor may appoint a farmer member to serve for the remainder of the unexpired term. Each member of the commission shall continue to serve until the member's successor has been duly appointed and qualified.

**3.** The state soil and water districts commission may call upon the attorney general of the state for such legal services as it may require.

**4.** At its first meeting in each calendar year, the state soil and water districts commission shall select from its current members a chairman and a vice chairman. The ex officio members shall not have the power to vote on any matter before the commission. A quorum shall consist of four farmer members. For the determination of any matter within the commission's authority, at a meeting comprised of four farmer members, a concurrence of three shall be required. No business of the commission shall be executed in absence of a quorum. Each farmer member of the soil and water commission shall be entitled to expenses, including travel expenses, necessarily incurred in the discharge of his or her duties as a member of this commission. The state soil and water districts commission shall provide for the execution of surety bonds for all of its employees and officers who shall be entrusted with funds or property; shall provide for the keeping of a full and accurate record of all its proceedings and of all its resolutions, regulations, and orders issued or adopted; and shall provide for an annual audit of all its accounts of receipts and disbursements.

**5.** In addition to the authority and duty herein assigned to the state soil and water districts commission, it shall have the following authority and duty:

(1) To encourage the formation of soil and water conservation districts in areas where their establishment seems necessary and their administration seems feasible;

(2) To formulate and fix the rules and procedures for fair and impartial referendums on the establishing or disestablishment of soil and water districts and for fair and impartial selection of soil and water district supervisors;

(3) To receive petitions for the establishing of soil and water conservation districts as provided in section 278.100; to determine the validity of these petitions; to conduct hearings upon the subject of these petitions; to determine whether the establishment of a soil and water district as petitioned would be effective in the saving of soil and water within the proposed area, and whether a soil and water district if established could be feasibly administered; and, upon reaching a favorable conclusion on these matters, to call for a referendum on the establishing of the soil and water district as petitioned;

(4) To advise any soil and water conservation district in developing its program for saving the soil and water in order that such district may become eligible for any form of aid from state or federal sources;

(5) Subject to district allocations by the commission and other resources, to provide training, programs and other assistance to soil and water conservation districts to identify programs that respond to the character of the districts' needs;

(6) To obtain or accept the cooperation and financial, technical or material assistance of the United States or any of its agencies, and of this state or any of its agencies, for the work of such soil and water districts;

(7) To enter into agreements with the United States or any of its agencies on policies and general programs for the saving of Missouri soil and water by the extension of federal aid to any soil and water conservation district; to advise any soil and water conservation district; to advise any soil and water conservation district on the amount or kind of federal aid needed for the effective saving of soil and water in that district; to determine within the limits of available funds or other resources the amount or kind of state aid to be used for saving of soil and water in any soil and water conservation district; and to determine the withholding of state aid of any amount or kind from any soil and water conservation district that has failed to follow the policies of the state soil and water districts commission in any matter under the provisions of sections 278.060 to 278.300;

(8) To give such other proper assistance as the soil and water commission may judge to be useful to any soil and water district in the saving of soil and water in that district;

(9) To promulgate such rules and regulations as may be necessary to effectively administer a state-funded soil and water conservation cost-share program. Any rule or portion of a rule promulgated under the authority of sections 278.060 to 278.300 shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo.

[278.080. 1. There is hereby established "The State Soil and Water Districts Commission" to administer for this state the soil and water conservation districts provided for by sections 278.060 to 278.300. The state soil and water commission shall formulate policies and general programs for the saving of Missouri soil and water by the soil and water conservation districts; it shall receive and allocate or otherwise expend for the use or benefit of the soil and water conservation districts any funds appropriated by the legislature of this state for the use or benefit of such districts, including a soil and water conservation cost-share program; it shall receive and properly convey to the soil and water conservation districts any other form of aid extended to such districts by any other agency of this state, except that any money or other form of aid raised or provided within a soil and water district for the use or benefit of that soil and water district shall be received and administered by the governing body of that soil and water district; it shall exercise other authority conferred upon it and perform other duties assigned to it by sections 278.060 to 278.300; and shall be the administrative agency to represent this state in these and all other matters arising from the provisions of sections 278.060 to 278.300.

2. The state soil and water districts commission shall be composed of three ex officio members and five farmer members, the latter five to be appointed by the governor of Missouri with the advice and consent of the senate. Three of the farmer members shall reside in the portion of this state which is north of the Missouri River and two of the farmer members shall reside in the portion of this state which is south of the Missouri River. Not more than one of the farmer members shall be appointed from a state senatorial district. Not more than three of the farmer members shall be from the same political party. The ex officio members shall be the director of the department of natural resources, the director of the department of agriculture, and the dean of the college of agriculture of the University of Missouri. Each of the five farmer members shall be holding legal title to a farm, and shall be earning at least the principal part of his livelihood from a farm, all at the time of his appointment to the soil and water commission. The farmer members shall each be appointed for a period of three years; except that of the first five appointed one shall be appointed for a term of one year, two shall be appointed for a term of two years, and two shall be appointed for a term of three years, as designated by the governor at the time of appointment. The first board to be appointed under this subsection shall be appointed no later than ninety days after August 13, 1986. All members of the board serving on August 13, 1986, shall continue to serve until their successors are duly appointed and qualified. There is no limitation on the number of terms which any

of the farmer members appointed by the governor may serve. If any farmer member vacates his term for any reason prior to the expiration of such term, the governor may appoint a farmer member to serve for the remainder of the unexpired term.

3. The state soil and water districts commission may call upon the attorney general of the state for such legal services as it may require.

4. At its first meeting in each calendar year, the state soil and water districts commission shall select from its current members a chairman and a vice chairman. A majority of this commission shall constitute a quorum, but the concurrence of a majority of the whole commission shall be required for the determination of any matter within their duties. Each farmer member of the soil and water commission shall be entitled to expenses, including travel expense, necessarily incurred in the discharge of his duties as a member of this commission. The state soil and water districts commission shall provide for the execution of surety bonds for all of its employees and officers who shall be entrusted with funds or property; shall provide for the keeping of a full and accurate record of all its proceedings and of all its resolutions, regulations, and orders issued or adopted; and shall provide for an annual audit of all its accounts of receipts and disbursements.

5. In addition to the authority and duty herein assigned to the state soil and water districts commission, it shall have the following authority and duty:

(1) To encourage the formation of soil and water conservation districts in areas where their establishment seems necessary and their administration seems feasible;

(2) To formulate and fix the rules and procedures for fair and impartial referendums on the establishing or disestablishment of soil and water districts and for fair and impartial selection of soil and water district supervisors;

(3) To receive petitions for the establishing of soil and water conservation districts as provided in section 278.100; to determine the validity of these petitions; to conduct hearings upon the subject of these petitions; to determine whether the establishment of a soil and water district as petitioned would be effective in the saving of soil and water within the proposed area, and whether a soil and water district if established could be feasibly administered; and, upon reaching a favorable conclusion on these matters, to call for a referendum on the establishing of the soil and water district as petitioned;

(4) To advise any soil and water conservation district in developing its program for saving the soil and water in order that such district may become eligible for any form of aid from state or federal sources;

(5) To obtain or accept the cooperation and financial, technical or material assistance of the United States or any of its agencies, and of this state or any of its agencies, for the work of such soil and water districts;

(6) To enter into agreements with the United States or any of its agencies on policies and general programs for the saving of Missouri soil and water by the extension of federal aid to any soil and water conservation district; to advise any soil and water conservation district; to advise any soil and water conservation district on the amount or kind of federal aid needed for the effective saving of soil and water in that district; to determine within the limits of available funds or other resources the amount or kind of state aid to be used for saving of soil and water in any soil and water conservation district; and to determine the withholding of state aid of any amount or kind from any soil and water conservation district which has failed to follow the policies of the state soil and water districts commission in any matter under the provisions of sections 278.060 to 278.300;

(7) To give such other proper assistance as the soil and water commission may judge to be useful to any soil and water district in the saving of soil and water in that district;

(8) To promulgate such rules and regulations and administrative guidelines as necessary to effectively administer a state-funded soil and water conservation cost-share program. No rule or portion of a rule promulgated under the authority of sections 278.060 to 278.300 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.]

[278.080. 1. There is hereby established "The State Soil and Water Districts Commission" to administer for this state the soil and water conservation districts provided for by sections 278.060 to 278.300. The state soil and water commission shall formulate policies and general programs for the saving of Missouri soil and water by the soil and water conservation districts; it shall receive and allocate or otherwise expend for the use or benefit of the soil and water conservation districts any funds appropriated by the legislature of this state for the use or benefit of such districts, including a soil and water conservation cost-share program; it shall receive and properly convey to the soil and water conservation districts any other form of aid extended to such districts by any other agency of this state, except that any money or other form of aid raised or provided within a soil and water district for the use or benefit of that soil and water district shall be received and administered by the governing body of that soil and water district; it shall exercise other authority conferred upon it and perform other duties assigned to it by sections 278.060 to 278.300; and shall be the

administrative agency to represent this state in these and all other matters arising from the provisions of sections 278.060 to 278.300.

2. The state soil and water districts commission shall be composed of three ex officio members and six farmer members. The six farmer members shall be appointed by the governor of Missouri with the advice and consent of the senate. Three of the farmer members shall reside in the portion of this state which is north of the Missouri River and three of the farmer members shall reside in the portion of this state which is south of the Missouri River. Not more than one of the farmer members shall be appointed from a state senatorial district. Not more than four of the farmer members shall be from the same political party. The ex officio members shall be the director of the department of natural resources, the director of the department of agriculture, and the dean of the college of agriculture of the University of Missouri. Each of the six farmer members shall be holding legal title to a farm, and shall be earning at least the principal part of his livelihood from a farm, all at the time of his appointment to the soil and water commission. The farmer members shall each be appointed for a period of three years; except that of the first five appointed one shall be appointed for a term of one year, two shall be appointed for a term of two years, and two shall be appointed for a term of three years, as designated by the governor at the time of appointment. The first board to be appointed under this subsection shall be appointed no later than ninety days after August 13, 1986. All members of the board serving on August 13, 1986, shall continue to serve until their successors are duly appointed and qualified. There is no limitation on the number of terms which any of the farmer members appointed by the governor may serve. If any farmer member vacates his term for any reason prior to the expiration of such term, the governor may appoint a farmer member to serve for the remainder of the unexpired term.

3. The state soil and water districts commission may call upon the attorney general of the state for such legal services as it may require.

4. At its first meeting in each calendar year, the state soil and water districts commission shall select from its current members a chairman and a vice chairman. The chairman shall serve in a nonvoting capacity, unless the votes cast by the commission are equally divided, in which case the chairman shall cast the deciding vote. A majority of this commission shall constitute a quorum, but the concurrence of a majority of the whole commission shall be required for the determination of any matter within their duties. Each farmer member of the soil and water commission shall be entitled to expenses, including travel expense, necessarily incurred in the discharge of his duties as a member of this commission. The state soil and water districts commission shall provide for the execution of surety bonds for all of its employees and officers who shall be entrusted with funds or property; shall provide for the keeping of a full and accurate record of all its proceedings and of all its resolutions, regulations, and orders issued or adopted; and shall provide for an annual audit of all its accounts of receipts and disbursements.

5. In addition to the authority and duty herein assigned to the state soil and water districts commission, it shall have the following authority and duty:

(1) To encourage the formation of soil and water conservation districts in areas where their establishment seems necessary and their administration seems feasible;

(2) To formulate and fix the rules and procedures for fair and impartial referendums on the establishing or disestablishment of soil and water districts and for fair and impartial selection of soil and water district supervisors;

(3) To receive petitions for the establishing of soil and water conservation districts as provided in section 278.100; to determine the validity of these petitions; to conduct hearings upon the subject of these petitions; to determine whether the establishment of a soil and water district as petitioned would be effective in the saving of soil and water within the proposed area, and whether a soil and water district if established could be feasibly administered; and, upon reaching a favorable conclusion on these matters, to call for a referendum on the establishing of the soil and water district as petitioned;

(4) To advise any soil and water conservation district in developing its program for saving the soil and water in order that such district may become eligible for any form of aid from state or federal sources;

(5) To obtain or accept the cooperation and financial, technical or material assistance of the United States or any of its agencies, and of this state or any of its agencies, for the work of such soil and water districts;

(6) To enter into agreements with the United States or any of its agencies on policies and general programs for the saving of Missouri soil and water by the extension of federal aid to any soil and water conservation district; to advise any soil and water conservation district; to advise any soil and water conservation district on the amount or kind of federal aid needed for the effective saving of soil and water in that district; to determine within the limits of available funds or other resources the amount or kind of state aid to be used for saving of soil and water in any soil and water conservation district; and to determine the withholding of state aid of any amount or kind from any soil and water conservation district which has failed to follow the policies of the state soil and water districts commission in any matter

under the provisions of sections 278.060 to 278.300;

(7) To give such other proper assistance as the soil and water commission may judge to be useful to any soil and water district in the saving of soil and water in that district;

(8) To promulgate such rules and regulations and administrative guidelines as necessary to effectively administer a state-funded soil and water conservation cost-share program.

6. No rule or portion of a rule promulgated under the authority of this chapter shall become effective until it has been approved by the joint committee on administrative rules in accordance with the procedures provided herein, and the delegation of the legislative authority to enact law by the adoption of such rules is dependent upon the power of the joint committee on administrative rules to review and suspend rules pending ratification by the senate and the house of representatives as provided herein.

7. Upon filing any proposed rule with the secretary of state the filing agency shall concurrently submit such proposed rule to the committee which may hold hearings upon any proposed rule or portion thereof at any time.

8. A final order of rulemaking shall not be filed with the secretary of state until thirty days after such final order of rulemaking has been received by the committee. The committee may hold one or more hearings upon such final order of rulemaking during the thirty-day period. If the committee does not disapprove such order of rulemaking within the thirty-day period, the filing agency may file such order of rulemaking with the secretary of state and the order of rulemaking shall be deemed approved.

9. The committee may, by majority vote of the members, suspend the order of rulemaking or portion thereof by action taken prior to the filing of the final order of rulemaking only for one or more of the following grounds:

- (1) An absence of statutory authority for the proposed rule;
- (2) An emergency relating to public health, safety or welfare;
- (3) The proposed rule is in conflict with state law;
- (4) A substantial change in circumstance since enactment of the law upon which the proposed rule is based.

10. If the committee disapproves any rule or portion thereof, the filing agency shall not file such disapproved portion of any rule with the secretary of state and the secretary of state shall not publish in the Missouri Register any final order of rulemaking containing the disapproved portion.

11. If the committee disapproves any rule or portion thereof, the committee shall report its findings to the senate and the house of representatives. No rule or portion thereof disapproved by the committee shall take effect so long as the senate and the house of representatives ratify the act of the joint committee by resolution adopted in each house within thirty legislative days after such rule or portion thereof has been disapproved by the joint committee.

12. Upon adoption of a rule as provided herein, any such rule or portion thereof may be suspended or revoked by the general assembly either by bill or, pursuant to section 8, article IV, of the constitution, by concurrent resolution upon recommendation of the joint committee on administrative rules. The committee shall be authorized to hold hearings and make recommendations pursuant to the provisions of section 536.037, RSMo. The secretary of state shall publish in the Missouri Register, as soon as practicable, notice of the suspension or revocation.]

278.130. 1. The soil and water supervisors of any soil and water district shall not

- (1) Have or exercise the right of eminent domain;
- (2) Incur indebtedness beyond available funds;
- (3) Issue bonds;
- (4) Levy taxes;
- (5) Make or levy benefit assessments or any other kind of assessments;
- (6) Take contributions from that soil and water district by exactions or persuasions;
- (7) Engage in the marketing of farm products or in the buying and selling of farm supplies other than those products or supplies used or needed directly or indirectly in soil and water conservation work, **subject to section 278.135;**

(8) Engage in agricultural research or agricultural extension teaching except under the instruction of the Missouri college of agriculture.

2. They may accept voluntary contributions from any source, if the donations are offered for the sole and exclusive purpose of promoting the saving of soil and water within the soil and water district, and if the soil and water supervisors satisfactorily guarantee to the donors the faithful use of their donations for that purpose.

**278.135. 1. Any soil and water conservation district engaged in the marketing or buying and selling of farm products used directly or indirectly in soil conservation shall be required to obtain approval from the state soil and water districts commission to continue such activity if the commission receives written complaints from three or more business entities. Upon request from any person, all soil and water conservation districts shall**

provide information on the complaint procedure provided for in this section, including information on how to contact the state soil and water districts commission.

2. The commission shall notify the district upon receiving complaints from three or more business entities pursuant to subsection 1 of this section, and request that the district provide information to the commission on the marketing, buying, and selling activity within sixty days. The commission shall consider information provided by the district and any written comments from concerned citizens and businesses in making its determination. The commission shall grant approval only upon finding that the products being marketed, bought, and sold are:

- (1) Reasonably related to soil and water conservation; and
- (2) Not readily available in the area.

If the commission grants approval to a district, no complaints about the marketing, buying, or selling activities of such district shall be accepted by the commission from any business entity for a period of one year after the date of approval, and no such complaints shall be accepted by the commission from the same business entities that initiated the approval procedure pursuant to this section for a period of three years after the date of approval.

3. The commission shall enact rules to allow districts with a pending approval request, or districts that have had their approval denied, to sell any existing inventory of products within a reasonable time. This subsection shall not be interpreted to allow any district with a pending approval request to restock or replenish its inventory until such district has received approval from the commission.

4. The commission is authorized to adopt those rules that are reasonable and necessary to accomplish the limited duties specifically delegated within this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority delegated in this section shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.

Section C. Because immediate action is necessary for the soil and water districts commission to administer the state soil and water districts, section B of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section B of this act shall be in full force and effect upon its passage and approval."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Williams (159), **House Amendment No. 2** was adopted.

Representative Relford offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Bill No. 741, Page 3, Section A, Line 70, by inserting after all of said line the following:

"247.031. 1. Territory included in a district that is not being served by such district may be detached from such district provided that there are no outstanding general obligation or special obligation bonds[, or] **and no contractual obligations of greater than twenty-five thousand dollars for debt that pertains to infrastructure, fixed assets or obligations for the purchase of water.** If any such bonds [are] **or debt is** outstanding, [that] **and** the written consent of the holders [thereof] **of such bonds or the creditors to such debt** is obtained, **then such territory may be detached in spite of the existence of such bonds or debt**, except such consent shall not be required for special obligation bonds if the district has no waterlines or other facilities located within any of the territory detached. Detachment may be made by the filing of a petition with the circuit court in which the district was incorporated. The petition shall contain a description of the tract to be detached and a statement that the detachment is in the best interest of the district or the

inhabitants and property owners of the territory to be detached, together with the facts supporting such allegation. The petition may be submitted by the district acting through its board of directors, in which case the petition shall be signed by a majority of the board of directors of the district. The petition may also be submitted by voters residing in the territory sought to be detached. If there are more than ten voters in such territory, the petition shall be signed by five or more voters residing in the territory; if there are less than ten voters residing in such territory, the petition shall be signed by fifty percent or more of the voters residing in the territory. In the event there are no voters living within such territory proposed to be detached, then the petition may be submitted by owners of more than fifty percent of the land in the territory proposed to be detached, in which case said petition shall be signed by the owners so submitting the petition.

2. Such petition shall be filed in the circuit court having jurisdiction and the court shall set a date for hearing on the proposed detachment and the clerk shall give notice thereof in three consecutive issues of a weekly newspaper in each county in which any portion of the territory proposed to be detached lies, or in lieu thereof, in twenty consecutive issues of a daily newspaper in each county in which any portion of the tract proposed to be detached lies; the last insertion of the notice to be made not less than seven nor more than twenty-one days before the hearing. Such notice shall be substantially as follows:

IN THE CIRCUIT COURT OF .....  
COUNTY, MISSOURI  
NOTICE OF THE FILING OF A PETITION FOR  
TERRITORIAL DETACHMENT FROM  
PUBLIC WATER SUPPLY DISTRICT NO. ....  
OF ..... COUNTY, MISSOURI.

To all voters and landowners of land within the boundaries of the above-described district:

You are hereby notified:

1. That a petition has been filed in this court for the detachment of the following tracts of land from the above-named public water supply district, as provided by law:

(Describe tracts of land).

2. That a hearing on said petition will be held before this court on the ..... day of ....., [19] **20** ..., at ....., ....m.

3. Exceptions or objections to the detachment of said tracts from said public water supply district may be made by any voter or landowner of land within the district from which territory is sought to be detached, provided such exceptions or objections are in writing not less than five days prior to the date set for hearing on the petition.

4. The names and addresses of the attorneys for the petitioner are:

.....  
Clerk of the Circuit Court of  
..... County, Missouri

3. The court, for good cause shown, may continue the case or the hearing thereon from time to time until final disposition thereof.

4. Exceptions or objections to the detachment of such territory may be made by any voter or landowner within the boundaries of the district, including the territory to be detached. The exceptions or objections shall be in writing and shall specify the grounds upon which they are made and shall be filed not later than five days before the date set for hearing the petition. If any such exceptions or objections are filed, the court shall take them into consideration when considering the petition for detachment and the evidence in support of detachment. If the court finds that the detachment will be in the best interest of the district and the inhabitants and landowners of the area to be detached will not be adversely affected or if the court finds that the detachment will be in the best interest of the inhabitants and landowners of the territory to be detached and will not adversely affect the remainder of the district, it shall approve the detachment and grant the petition.

5. If the court approves the detachment, it shall make its order detaching the territory described in the petition from the remainder of the district, or in the event it shall find that only a portion of said territory should be detached, the court shall order such portion detached from the district. The court shall also make any changes in subdistrict boundary lines it deems necessary to meet the requirements of sections 247.010 to 247.220. Any subdistrict line changes shall not become effective until the next annual election of a member of the board of directors.

6. A certified copy of the court's order shall be filed in the office of the recorder and in the office of the county clerk in each county in which any of the territory of the district prior to detachment is located, and in the office of the secretary of state. Costs of the proceeding shall be borne by the petitioner or petitioners.

247.170. 1. Whenever any city owning a waterworks or water supply system extends its corporate limits to

include any part of the area in a public water supply district, and the city and the board of directors of the district are unable to agree upon a service, lease or sale agreement, or are unable to proceed under section 247.160, then upon the expiration of ninety days after the effective date of the extension of the city limits, that part of the area of the district included within the corporate limits of the city may be detached and excluded from the district in the following manner:

(1) A petition to detach and exclude that part of the public water supply district lying within the corporate limits of the city as such limits have been extended, signed by not less than twenty-five voters within the water supply district, shall be filed in the circuit court of the county in which the district was originally organized.

(2) The court, being satisfied as to the sufficiency of the petition, shall call a special election of the voters of the district at which election the proposal to detach and exclude the part of the district lying within the corporate limits of the city shall be submitted to the voters in the entire district for a vote thereon. The election shall be conducted within the district by the election authority.

(3) The ballot shall briefly state the question to be voted on.

(4) In order to approve the detachment and exclusion of any part of the area in a public water supply district, the proposal shall require the approval of not less than a majority of the voters voting thereon.

(5) The election authorities shall thereafter promptly certify the result to the circuit court. The court, acting as a court of equity, shall thereupon without delay enter a decree detaching and excluding the area in question located within the corporate limits of the city from the public water supply district; except that before the decree detaching and excluding the area becomes final or effective, the city shall show to the court that it has assumed and agreed to pay in lump sum or in installments not less than that proportion of the sum of all existing liquidated general obligations and of all unpaid revenue bonds and interest thereon to date, of the water supply district as the assessed valuation of the real and tangible personal property within the area sought to be detached and excluded bears to the assessed valuation of all of the real and tangible personal property within the entire area of the district, according to the official county assessment of property as of December thirty-first of the calendar year next preceding the date of the election, and in addition thereto that the city has assumed and agreed to **assume or pay in a lump sum all contractual obligations of the water district that are greater than twenty-five thousand dollars for debt that pertains to infrastructure, fixed assets or obligations for the purchase of water, and to** pay the court costs.

(6) The decree shall thereupon vest in the city the absolute title, free and clear of all liens or encumbrances of every kind and character, to all tangible real and personal property of the public water supply district located within the part of the district situated within the corporate limits of the city with full power in the city to use and dispose of the tangible real and personal property as it deems best in the public interest.

(7) If the proposal fails to receive the approval of the voters the question may be again presented by another petition and again voted on, but not sooner than six months.

(8) Any and all sums paid out by the city under this section, other than the costs of the election, shall be administered by the circuit court for the benefit of the holders of the then existing and outstanding bonds of the district, and the remainder of such sums, if any, shall be delivered to the district to be expended in the operation, maintenance and improvement of its water distribution system.

2. Upon the effective date of any final order detaching and excluding any part of the area of any public water supply district, or leasing, selling or conveying any of the water mains, plant or equipment therein, the circuit court may, in the public interest, change the boundaries of the public water supply district and again divide or redivide the district into subdistricts for the election of directors in conformity with the provisions of section 247.040, without further petition being filed with the court so to do."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Relford, **House Amendment No. 3** was adopted.

Representative Wiggins offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Bill No. 741, Page 9, Section 393.715, Line 88, by inserting after all of said line the following:

"640.220. 1. For the purpose of protecting the air, water and land resources of the state, there is hereby created in the state treasury a fund to be known as the "Natural Resources Protection Fund". All funds received from air pollution permit fees, gifts, bequests, donations, or any other moneys so designated shall be paid to the **director of the department of natural resources, transmitted to the** director of revenue and deposited in the state treasury to the credit of an appropriate subaccount of the natural resources protection fund and shall be used for the purposes specified by law. The air pollution permit fee revenues shall be deposited in an appropriate subaccount of the natural resources protection fund and, subject to appropriation by the general assembly, shall be used by the department to carry out the general administration of section 643.075, RSMo. The water pollution permit fee revenues generated through sections 644.052 [and], 644.053, **644.054 and 644.061**, RSMo, shall be paid to the **director of the department of natural resources, transmitted to the** director of the department of revenue and deposited to the credit of the water pollution permit fee subaccount of the natural resources protection fund and, subject to appropriation by the general assembly, shall be used by the department to carry out the administration of sections 644.006 to 644.141, RSMo.

2. Effective July 1, 1991, the provisions of section 33.080, RSMo, to the contrary notwithstanding, any unexpended balance in the subaccounts of the natural resources protection fund that exceeds the preceding biennium's collections shall revert to the general revenue fund of the state at the end of each biennium. All interest earned on the natural resources protection funds shall accrue to appropriate subaccounts.

644.016. When used in sections 644.006 to 644.141 and in standards, rules and regulations promulgated [under authority of] **pursuant to** sections 644.006 to 644.141, the following words and phrases mean:

- (1) **"Commission", the clean water commission of the state of Missouri created in section 644.021;**
- (2) "Conference, conciliation and persuasion", a process of verbal or written communications consisting of meetings, reports, correspondence or telephone conferences between authorized representatives of the department and the alleged violator. The process shall, at a minimum, consist of one offer to meet with the alleged violator tendered by the department. During any such meeting, the department and the alleged violator shall negotiate in good faith to eliminate the alleged violation and shall attempt to agree upon a plan to achieve compliance;
- [(2)] (3) **"Department", the department of natural resources;**
- (4) **"Director", the director of the department of natural resources;**
- (5) "Discharge", the causing or permitting of one or more water contaminants to enter the waters of the state;
- [(3)] (6) "Effluent control regulations", limitations on the discharge of water contaminants;
- (7) **"General permit", a permit written with a standard group of conditions and with applicability intended for a designated category of water contaminant sources that have the same or similar operations, discharges and geographical locations, and that require the same or similar monitoring, and that would be more appropriately controlled pursuant to a general permit rather than pursuant to a site-specific permit;**
- (8) **"Human sewage", human excreta and wastewater, including bath and toilet waste, residential laundry waste, residential kitchen waste, and other similar waste from household or establishment appurtenances;**
- [(4)] (9) "Income" includes retirement benefits, consultant fees, and stock dividends;
- [(5)] (10) "Minor violation", a violation which possesses a small potential to harm the environment or human health or cause pollution, was not knowingly committed, and is not defined by the United States Environmental Protection Agency as other than minor;
- (11) **"Permit by rule", a permit granted by rule, not by a paper certificate, and conditioned by the permit holder's compliance with commission rules;**
- [(6)] (12) "Permit holders or applicants for a permit" shall not include officials or employees who work full time for any department or agency of the state of Missouri;
- [(7)] (13) "Person", any individual, partnership, copartnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision, or any agency, board, department, or bureau of the state or federal government, or any other legal entity whatever which is recognized by law as the subject of rights and duties;
- [(8)] (14) "Point source", any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged;
- [(9)] (15) "Pollution", such contamination or other alteration of the physical, chemical or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is reasonably certain to create a nuisance or render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, industrial, agricultural, recreational, or other legitimate beneficial uses, or to wild animals,

birds, fish or other aquatic life;

[(10)] **(16)** "Pretreatment regulations", limitations on the introduction of pollutants or water contaminants into publicly owned treatment works or facilities which the commission determines are not susceptible to treatment by such works or facilities or which would interfere with their operation, except that wastes as determined compatible for treatment [under] **pursuant to** any federal water pollution control act or guidelines shall be limited or treated [hereunder] **pursuant to this chapter** only as required by such act or guidelines;

[(11)] **(17)** "**Residential housing development**", **any land which is divided or proposed to be divided into three or more lots, whether contiguous or not, for the purpose of sale or lease as part of a common promotional plan for residential housing**;

**(18)** "Sewer system", pipelines or conduits, pumping stations, and force mains, and all other structures, devices, appurtenances and facilities used for collecting or conducting wastes to an ultimate point for treatment or handling;

[(12)] **(19)** "Significant portion of his **or her** income" shall mean ten percent of gross personal income for a calendar year, except that it shall mean fifty percent of gross personal income for a calendar year if the recipient is over sixty years of age, and is receiving such portion pursuant to retirement, pension, or similar arrangement;

[(13)] **(20)** "**Site-specific permit**", **a permit written for discharges emitted from a single water contaminant source and containing specific conditions, monitoring requirements and effluent limits to control such discharges**;

**(21)** "Treatment facilities", any method, process, or equipment which removes, reduces, or renders less obnoxious water contaminants released from any source;

[(14)] **(22)** "Water contaminant", any particulate matter or solid matter or liquid or any gas or vapor or any combination thereof, or any temperature change which is in or enters any waters of the state either directly or indirectly by surface runoff, by sewer, by subsurface seepage or otherwise, which causes or would cause pollution upon entering waters of the state, or which violates or exceeds any of the standards, regulations or limitations set forth in sections 644.006 to 644.141 or any federal water pollution control act, or is included in the definition of pollutant in such federal act;

[(15)] **(23)** "Water contaminant source", the point or points of discharge from a single tract of property on which is located any installation, operation or condition which includes any point source defined in sections 644.006 to 644.141 and nonpoint source [under] **pursuant to** any federal water pollution control act, which causes or permits a water contaminant therefrom to enter waters of the state either directly or indirectly;

[(16)] **(24)** "Water quality standards", specified concentrations and durations of water contaminants which reflect the relationship of the intensity and composition of water contaminants to potential undesirable effects;

[(17)] **(25)** "Waters of the state", all rivers, streams, lakes and other bodies of surface and subsurface water lying within or forming a part of the boundaries of the state which are not entirely confined and located completely upon lands owned, leased or otherwise controlled by a single person or by two or more persons jointly or as tenants in common and includes waters of the United States lying within the state.

644.021. 1. There is hereby created a water contaminant control agency to be known as the "Clean Water Commission of the State of Missouri", whose domicile for the purposes of sections 644.006 to 644.141 shall be deemed to be that of the department of natural resources. The commission shall consist of six members appointed by the governor with the advice and consent of the senate. No more than three of the members shall belong to the same political party. All members shall be representative of the general interest of the public and shall have an interest in and knowledge of conservation and the effects and control of water contaminants. Two such members, but no more than two, shall be knowledgeable concerning the needs of agriculture, industry or mining and interested in protecting these needs in a manner consistent with the purposes of sections 644.006 to 644.141. No member shall receive, or have received during the previous two years, a significant portion of his **or her** income directly or indirectly from permit holders or applicants for a permit [under] **pursuant to** any federal water pollution control act as amended and as applicable to this state. At the first meeting of the commission and at yearly intervals thereafter, the members shall select from among themselves a chairman and a vice chairman.

2. The members' terms of office shall be four years and until their successors are selected and qualified. Provided, however, that the first three members appointed shall serve a term of two years, the next three members appointed shall serve a term of four years, thereafter all members appointed shall serve a term of four years. There is no limitation on the number of terms any appointed member may serve. If a vacancy occurs the governor may appoint a member for the remaining portion of the unexpired term created by the vacancy. The governor may remove any appointed member for cause. The members of the commission shall be reimbursed for travel and other expenses actually and necessarily incurred in the performance of their duties.

3. The commission shall hold at least four regular meetings each year and such additional meetings as the chairman deems desirable at a place and time to be fixed by the chairman. Special meetings may be called by three members of the commission upon delivery of written notice to each member of the commission. Reasonable written notice of all meetings shall be given by the [executive secretary] **director** to all members of the commission. Four members of the commission shall constitute a quorum. All powers and duties conferred specifically upon members of the commission shall be exercised personally by the members and not by alternates or representatives. All actions of the commission shall be taken at meetings open to the public. Any member absent from six consecutive regular commission meetings for any cause whatsoever shall be deemed to have resigned and the vacancy shall be filled immediately in accordance with subsection 1 **of this section**.

[4. The commission shall appoint an executive secretary who shall act as its administrative agent and whose powers shall be limited to those necessary under sections 644.006 to 644.141 or any federal water pollution control act, and he shall be qualified, by education, training, and experience, in technical matters in water contaminant control.]

644.026. 1. The commission shall:

(1) Exercise general supervision of the administration and enforcement of sections 644.006 to 644.141 and all rules and regulations and orders promulgated thereunder;

(2) Develop comprehensive plans and programs for the prevention, control and abatement of new or existing pollution of the waters of the state;

(3) Advise, consult, and cooperate with other agencies of the state, the federal government, other states and interstate agencies, and with affected groups, political subdivisions and industries in furtherance of the purposes of sections 644.006 to 644.141;

(4) Accept gifts, contributions, donations, loans and grants from the federal government and from other sources, public or private, for carrying out any of its functions, which funds shall not be expended for other than the purposes for which provided;

(5) Encourage, participate in, or conduct studies, investigations, and research and demonstrations relating to water pollution and causes, prevention, control and abatement thereof as it may deem advisable and necessary for the discharge of its duties [under] **pursuant to** sections 644.006 to 644.141;

(6) Collect and disseminate information relating to water pollution and the prevention, control and abatement thereof;

(7) After holding public hearings, identify waters of the state and prescribe water quality standards for them, giving due recognition to variations, if any, and the characteristics of different waters of the state which may be deemed by the commission to be relevant insofar as possible [under] **pursuant to** any federal water pollution control act. These shall be reevaluated and modified as required by any federal water pollution control act;

(8) Adopt, amend, promulgate, or repeal after due notice and hearing, rules and regulations to enforce, implement, and effectuate the powers and duties of sections 644.006 to 644.141 and any required of this state by any federal water pollution control act, and as the commission may deem necessary to prevent, control and abate existing or potential pollution;

(9) Issue, modify or revoke orders prohibiting or abating discharges of water contaminants into the waters of the state or adopting other remedial measures to prevent, control or abate pollution;

(10) Administer state and federal grants and loans to municipalities and political subdivisions for the planning and construction of sewage treatment works;

(11) Hold such hearings, issue such notices of hearings and subpoenas requiring the attendance of such witnesses and the production of such evidence, administer such oaths, and take such testimony as the commission deems necessary or as required by any federal water pollution control act. Any of these powers may be exercised on behalf of the commission by any members thereof or a hearing officer designated by it;

(12) Require the prior submission of plans and specifications, or other data including the quantity and types of water contaminants, and inspect the construction of treatment facilities and sewer systems or any part thereof in connection with the issuance of such permits or approval as are required by sections 644.006 to 644.141, **except that manholes and polyvinyl chloride (PVC) pipe used for gravity sewers and with a diameter no greater than twenty-seven inches shall not be required to be tested for leakage;**

(13) Issue, continue in effect, revoke, modify or deny, under such conditions as it may prescribe, to prevent, control or abate pollution or any violations of sections 644.006 to 644.141 or any federal water pollution control act, permits for the discharge of water contaminants into the waters of this state, and for the installation, modification or operation of treatment facilities, sewer systems or any parts thereof. Such permit conditions, in addition to all other requirements of this subdivision, shall ensure compliance with all effluent regulations or limitations, water quality

related effluent limitations, national standards of performance and toxic and pretreatment effluent standards, and all requirements and time schedules thereunder as established by sections 644.006 to 644.141 and any federal water pollution control act; however, no permit shall be required of any person for any emission into publicly owned treatment facilities or into publicly owned sewer systems tributary to publicly owned treatment works;

(14) **Establish permits by rule. Such permits shall only be available for those facilities or classes of facilities that control potential water contaminants that pose a reduced threat to public health or the environment and that are in compliance with commission water quality standards rules, effluent rules or rules establishing permits by rule. Such permits by rule shall have the same legal standing as other permits issued pursuant to this chapter. Nothing in this section shall prohibit the commission from requiring a site-specific permit or a general permit for individual facilities;**

(15) Require proper maintenance and operation of treatment facilities and sewer systems and proper disposal of residual waste from all such facilities and systems;

[(15)] (16) Exercise all incidental powers necessary to carry out the purposes of sections 644.006 to 644.141, assure that the state of Missouri complies with any federal water pollution control act, retains maximum control thereunder and receives all desired federal grants, aid and benefits;

[(16)] (17) Establish effluent and pretreatment and toxic material control regulations to further the purposes of sections 644.006 to 644.141 and as required to ensure compliance with all effluent limitations, water quality related effluent limitations, national standards of performance and toxic and pretreatment effluent standards, and all requirements and any time schedules thereunder, as established by any federal water pollution control act for point sources in this state, and where necessary to prevent violation of water quality standards of this state;

[(17)] (18) Prohibit all discharges of radiological, chemical, or biological warfare agent or high-level radioactive waste into waters of this state;

[(18)] (19) Require that all publicly owned treatment works or facilities which receive or have received grants or loans from the state or the federal government for construction or improvement make all charges required by sections 644.006 to 644.141 or any federal water pollution control act for use and recovery of capital costs, and the operating authority for such works or facility is hereby authorized to make any such charges;

[(19)] (20) Represent the state of Missouri in all matters pertaining to interstate water pollution including the negotiation of interstate compacts or agreements;

[(20)] (21) Develop such facts and make such investigations as are consistent with the purposes of sections 644.006 to 644.141, and, in connection therewith, to enter or authorize any representative of the commission to enter at all reasonable times and upon reasonable notice in or upon any private or public property for any purpose required by any federal water pollution control act or sections 644.006 to 644.141 for the purpose of developing rules, regulations, limitations, standards, or permit conditions, or inspecting or investigating any records required to be kept by sections 644.006 to 644.141 or any permit issued [hereunder] **pursuant to sections 644.006 to 644.141**, any condition which the commission or [executive secretary] **director** has probable cause to believe to be a water contaminant source or the site of any suspected violation of sections 644.006 to 644.141, regulations, standards, or limitations, or permits issued [hereunder] **pursuant to sections 644.006 to 644.141**. The results of any such investigation shall be reduced to writing, and shall be furnished to the owner or operator of the property. No person shall refuse entry or access, requested for the purposes of inspection [under this provision] **pursuant to this subdivision**, to an authorized representative in carrying out the inspection. A suitably restricted search warrant, upon a showing of probable cause in writing and upon oath, shall be issued by any judge or associate circuit judge having jurisdiction to any representative for the purpose of enabling him **or her** to make such inspection. Information obtained [under] **pursuant to** this section shall be available to the public unless it constitutes trade secrets or confidential information, other than effluent data, of the person from whom it is obtained, except when disclosure is required [under] **pursuant to** any federal water pollution control act;

[(21)] (22) Retain, employ, provide for, and compensate, within appropriations available therefor, such consultants, assistants, deputies, clerks and other employees on a full- or part-time basis as may be necessary to carry out the provisions of sections 644.006 to 644.141 and prescribe the times at which they shall be appointed and their powers and duties;

[(22)] (23) Secure necessary scientific, technical, administrative and operation services, including laboratory facilities, by contract or otherwise, with any educational institution, experiment station, or any board, department, or other agency of any political subdivision of the state or the federal government;

[(23)] (24) Require persons owning or engaged in operations which do or could discharge water contaminants, or introduce water contaminants or pollutants of a quality and quantity to be established by the commission, into any

publicly owned treatment works or facility, to provide and maintain any facilities and conduct any tests and monitoring necessary to establish and maintain records and to file reports containing information relating to measures to prevent, lessen or render any discharge less harmful or relating to rate, period, composition, temperature, and quality and quantity of the effluent, and any other information required by any federal water pollution control act or the [executive secretary hereunder] **director**, and to make them public, except as provided in subdivision [(20)] **(21)** of this section. The commission shall develop and adopt such procedures for inspection, investigation, testing, sampling, monitoring and entry respecting water contaminant and point sources as may be required for approval of such a program [under] **pursuant to any federal water pollution control act**;

[(24)] **(25)** Take any action necessary to implement continuing planning processes and areawide waste treatment management as established [under] **pursuant to any federal water pollution control act or sections 644.006 to 644.141.**

2. No rule or portion of a rule promulgated [under the authority of] **pursuant to** this chapter shall become effective unless it has been promulgated pursuant to [the provisions of section 536.024,] **chapter 536, RSMo.**

644.036. 1. No standard, rule or regulation or any amendment or repeal thereof shall be adopted except after a public hearing to be held after thirty days' prior notice by advertisement of the date, time and place of the hearing and opportunity given to the public to be heard. Notice of the hearings and copies of the proposed standard, rule or regulation or any amendment or repeal thereof shall also be given by regular mail, at least thirty days prior to the scheduled date of the hearing, to any person who has registered with the [executive secretary] **director** for the purpose of receiving notice of such public hearings in accordance with the procedures prescribed by the commission at least forty-five days prior to the scheduled date of the hearing. However, this provision shall not preclude necessary changes during this thirty-day period.

2. At the hearing, opportunity to be heard by the commission with respect to the subject thereof shall be afforded any interested person upon written request to the commission, addressed to the [executive secretary] **director**, not later than seven days prior to the hearing, and may be afforded to other persons if convenient. In addition, any interested persons, whether or not heard, may submit, within seven days subsequent to the hearings, a written statement of their views. The commission may solicit the views, in writing, of persons who may be affected by, or interested in, proposed rules and regulations, or standards. Any person heard or represented at the hearing or making written request for notice shall be given written notice of the action of the commission with respect to the subject thereof.

3. Any standard, rule or regulation or amendment or repeal thereof shall not be deemed adopted or in force and effect until it has been approved in writing by at least four members of the commission. A standard, rule or regulation or an amendment or repeal thereof shall not become effective until a certified copy thereof has been filed with the secretary of state as provided in chapter 536, RSMo.

4. Unless prohibited by any federal water pollution control act, any standard, rule or regulation or any amendment or repeal thereof which is adopted by the commission may differ in its terms and provisions as between particular types and conditions of water quality standards or of water contaminants, as between particular classes of water contaminant sources, and as between particular waters of the state.

644.051. 1. It is unlawful for any person:

(1) To cause pollution of any waters of the state or to place or cause or permit to be placed any water contaminant in a location where it is reasonably certain to cause pollution of any waters of the state;

(2) To discharge any water contaminants into any waters of the state which reduce the quality of such waters below the water quality standards established by the commission [if not subject to effluent regulations adopted pursuant to sections 644.006 to 644.141];

(3) To violate any pretreatment and toxic material control regulations, or to discharge any water contaminants into any waters of the state which exceed effluent regulations or permit provisions as established by the commission or required by any federal water pollution control act;

(4) To discharge any radiological, chemical, or biological warfare agent or high-level radioactive waste into the waters of the state.

2. It shall be unlawful for any person to build, erect, alter, replace, operate, use or maintain any water contaminant or point source in this state that is subject to standards, rules or regulations promulgated pursuant to the provisions of sections 644.006 to 644.141 unless such person holds a permit from the commission, subject to such exceptions as the commission may prescribe by rule or regulation. However, no permit shall be required of any person for any emission into publicly owned treatment facilities or into publicly owned sewer systems tributary to publicly owned treatment works.

3. Every proposed water contaminant or point source which, when constructed or installed or established, will be subject to any federal water pollution control act or sections 644.006 to 644.141 or regulations promulgated pursuant

to the provisions of such act shall make application to the [executive secretary] **director** for a permit at least thirty days prior to the initiation of construction or installation or establishment. Every water contaminant or point source in existence when regulations or sections 644.006 to 644.141 become effective shall make application to the [executive secretary] **director** for a permit within sixty days after the regulations or sections 644.006 to 644.141 become effective, whichever shall be earlier. The [executive secretary] **director** shall promptly investigate each application, which investigation shall include such hearings and notice, and consideration of such comments and recommendations as required by sections 644.006 to 644.141 and any federal water pollution control act. If the [executive secretary] **director** determines that the source meets or will meet the requirements of sections 644.006 to 644.141 and the regulations promulgated pursuant thereto, the [executive secretary] **director** shall issue a permit with such conditions as he or she deems necessary to ensure that the source will meet the requirements of sections 644.006 to 644.141 and any federal water pollution control act as it applies to sources in this state. If the [executive secretary] **director** determines that the source does not meet or will not meet the requirements of either act and the regulations pursuant thereto, the [executive secretary] **director** shall deny the permit pursuant to the applicable act and issue any notices required by sections 644.006 to 644.141 and any federal water pollution control act.

4. Before issuing a permit to build or enlarge a water contaminant or point source or reissuing any permit, the [executive secretary] **director** shall issue such notices, conduct such hearings, and consider such factors, comments and recommendations as required by sections 644.006 to 644.141 or any federal water pollution control act. The [executive secretary] **director** shall determine if any state or any provisions of any federal water pollution control act the state is required to enforce, any state or federal effluent limitations or regulations, water quality-related effluent limitations, national standards of performance, toxic and pretreatment standards, or water quality standards which apply to the source, or any such standards in the vicinity of the source, are being exceeded, and shall determine the impact on such water quality standards from the source. The [executive secretary] **director**, in order to effectuate the purposes of sections 644.006 to 644.141, shall deny a permit if the source will violate any such acts, regulations, limitations or standards or will appreciably affect the water quality standards or the water quality standards are being substantially exceeded, unless the permit is issued with such conditions as to make the source comply with such requirements within an acceptable time schedule.

5. The [executive secretary] **director** shall grant or deny the permit within sixty days after all requirements of the Federal Water Pollution Control Act concerning issuance of permits have been satisfied unless the application does not require any permit pursuant to any federal water pollution control act. The [executive secretary] **director** or the commission may require the applicant to provide and maintain such facilities or to conduct such tests and monitor effluents as necessary to determine the nature, extent, quantity or degree of water contaminant discharged or released from the source, establish and maintain records and make reports regarding such determination.

6. The [executive secretary] **director** shall promptly notify the applicant [or other affected party] in writing of his or her action and if the permit is denied state the reasons therefor. The applicant may appeal to the commission from the denial of a permit or from any condition in any permit by filing notice of appeal with the commission within thirty days of the notice of denial or issuance of the permit. The commission shall set the matter for hearing not less than thirty days after the notice of appeal is filed. In no event shall a permit constitute permission to violate the law or any standard, rule or regulation promulgated pursuant thereto.

7. In any hearing held pursuant to this section the burden of proof is on the applicant for a permit. Any decision of the commission made pursuant to a hearing held pursuant to this section is subject to judicial review as provided in section 644.071.

8. In any event, no permit [hereunder] **issued pursuant to this section** shall be issued if properly objected to by the federal government or any agency authorized to object pursuant to any federal water pollution control act unless the application does not require any permit pursuant to any federal water pollution control act.

9. No manufacturing or processing plant or operating location shall be required to pay more than one operating fee. Operating permits shall be issued for a period not to exceed five years after date of issuance, except that general permits shall be issued for a five-year period, and also except that neither a construction nor an annual permit shall be required for a single residence's waste treatment facilities. [All moneys remaining in the Missouri clean water fund on August 28, 1990, shall be transferred to the water pollution permit fee subaccount of the natural resources protection fund.] Applications for renewal of an operating permit shall be filed at least one hundred eighty days prior to the expiration of the existing permit.

10. Every permit issued to municipal or any publicly owned treatment works or facility shall require the permittee to provide the clean water commission with adequate notice of any substantial new introductions of water contaminants or pollutants into such works or facility from any source for which such notice is required by sections

644.006 to 644.141 or any federal water pollution control act. Such permit shall also require the permittee to notify the clean water commission of any substantial change in volume or character of water contaminants or pollutants being introduced into its treatment works or facility by a source which was introducing water contaminants or pollutants into its works at the time of issuance of the permit. Notice must describe the quality and quantity of effluent being introduced or to be introduced into such works or facility by a source which was introducing water contaminants or pollutants into its works at the time of issuance of the permit. Notice must describe the quality and quantity of effluent being introduced or to be introduced into such works or facility and the anticipated impact of such introduction on the quality or quantity of effluent to be released from such works or facility into waters of the state.

11. The [executive secretary] **director** or the commission may require the filing or posting of a bond as a condition for the issuance of permits for construction of temporary or future water treatment facilities in an amount determined by the commission to be sufficient to ensure compliance with all provisions of sections 644.006 to 644.141, and any rules or regulations of the commission and any condition as to such construction in the permit. The bond shall be signed by the applicant as principal, and by a corporate surety licensed to do business in the state of Missouri and approved by the commission. The bond shall remain in effect until the terms and conditions of the permit are met and the provisions of sections 644.006 to 644.141 and rules and regulations promulgated pursuant thereto are complied with.

**12. (1) The department shall issue or deny applications for construction and site-specific operating permits received after January 1, 2001, within one hundred eighty days of the department's receipt of an application. For general construction and operating permit applications received after January 1, 2001, that do not require a public participation process, the department shall issue or deny the requested permits within sixty days of the department's receipt of an application.**

**(2) If the department fails to issue or deny with good cause a construction or operating permit application within the timeframes established in subdivision (1) of this subsection, the department shall refund the full amount of the initial application fee within forty-five days of failure to meet the established timeframe. If the department fails to refund the application fee within forty-five days, the refund amount shall accrue interest at a rate established pursuant to section 32.065, RSMo.**

**(3) Permit fee disputes may be appealed to the commission within thirty days of the date established in subdivision (2) of this subsection. If the applicant prevails in a permit fee dispute appealed to the commission, the commission may order the director to refund the applicant's permit fee plus interest and reasonable attorney's fees as provided in sections 536.085 and 536.087, RSMo. A refund of the initial application or annual fee does not waive the applicant's responsibility to pay any annual fees due each year following issuance of a permit.**

**(4) No later than December 31, 2001, the commission shall promulgate regulations defining shorter review time periods than the timeframes established in subdivision (1) of this subsection, when appropriate, for different classes of construction and operating permits. In no case shall commission regulations adopt permit review times that exceed the timeframes established in subdivision (1) of this subsection. The department's failure to comply with the commission's permit review time periods shall result in a refund of said permit fees as set forth in subdivision (2) of this subsection. On a semi-annual basis, the department shall submit to the commission a report which describes the different classes of permits and reports on the number of days it took the department to issue each permit from the date of receipt of the application and show averages for each different class of permits.**

**(5) During the department's technical review of the application, the department may request the applicant submit supplemental or additional information necessary for adequate permit review. The department's technical review letter shall contain a sufficient description of the type of additional information needed to comply with the application requirements.**

**(6) Nothing in this subsection shall be interpreted to mean that inaction on a permit application shall be grounds to violate any provisions of sections 644.006 to 644.141 or any rules promulgated pursuant to sections 644.006 to 644.141.**

**13. The department shall respond to all requests for individual certification under section 401 of the Federal Clean Water Act within the lesser of sixty days or the allowed response period established pursuant to applicable federal regulations without request for an extension period unless such extension is determined by the commission to be necessary to evaluate significant impacts on water quality standards and the commission establishes a timetable for completion of such evaluation in a period of no more than one hundred eighty days.**

**14. All permit fees generated pursuant to this chapter shall not be used for the development or expansion of total maximum daily loads studies on either the Missouri or Mississippi rivers.**

644.052. 1. Persons with operating permits **or permits by rule** issued pursuant to this chapter shall pay [a permit fee as provided in this section. For the purposes of this section "population equivalent" is a measure used in the design and comparison of sewage treatment plants which represents the number of people who could be expected to contribute any specific amount of waste water. A city or publicly owned treatment works or a sewer district shall annually pay a fee as established in subsection 2 of this section but such fee shall be at least one and one-half cents per population equivalent and not more than ten cents per population equivalent; provided, however, that such fee shall not be less than fifteen dollars annually.] **fees pursuant to subsections 2 to 8 and 12 to 13 of this section. Persons with a sewer service connection to public sewer systems owned or operated by a city, public sewer district, public water district or other publicly owned treatment works shall pay a permit fee pursuant to subsections 10 and 11 of this section.**

2. A [city or publicly owned treatment works, a] privately owned treatment works[, or an industry which treats only [domestic] **human** sewage [as defined in section 701.025, RSMo, or a sewer district] shall annually [collect and] pay **a fee based upon the design flow of the facility as follows:**

- (1) [Fifteen] **One hundred** dollars if the design flow is less than five thousand gallons per day;
- (2) [Fifty] **One hundred fifty** dollars if the design flow is equal to or greater than five thousand gallons per day but less than [two hundred fifty] **six** thousand gallons per day;
- (3) [Five hundred dollars if the design flow is equal to or greater than two hundred fifty thousand gallons per day but less than five hundred thousand gallons per day;
- (4) One thousand dollars if the design flow is equal to or greater than five hundred thousand gallons per day but less than seven hundred fifty thousand gallons per day;
- (5) One thousand five hundred dollars if the design flow is equal to or greater than seven hundred fifty thousand gallons per day but less than one million gallons per day;
- (6) Two thousand five hundred dollars if the design flow is equal to or greater than one million gallons per day but less than five million gallons per day; or
- (7) Three thousand dollars if the design flow is equal to or greater than five million gallons per day.] **One hundred seventy-five dollars if the design flow is equal to or greater than six thousand gallons per day but less than seven thousand gallons per day;**
- (4) **Two hundred dollars if the design flow is equal to or greater than seven thousand gallons per day but less than eight thousand gallons per day;**
- (5) **Two hundred twenty-five dollars if the design flow is equal to or greater than eight thousand gallons per day but less than nine thousand gallons per day;**
- (6) **Two hundred fifty dollars if the design flow is equal to or greater than nine thousand gallons per day but less than ten thousand gallons per day;**
- (7) **Three hundred seventy-five dollars if the design flow is equal to or greater than ten thousand gallons per day but less than eleven thousand gallons per day;**
- (8) **Four hundred dollars if the design flow is equal to or greater than eleven thousand gallons per day but less than twelve thousand gallons per day;**
- (9) **Four hundred fifty dollars if the design flow is equal to or greater than twelve thousand gallons per day but less than thirteen thousand gallons per day;**
- (10) **Five hundred dollars if the design flow is equal to or greater than thirteen thousand gallons per day but less than fourteen thousand gallons per day;**
- (11) **Five hundred fifty dollars if the design flow is equal to or greater than fourteen thousand gallons per day but less than fifteen thousand gallons per day;**
- (12) **Six hundred dollars if the design flow is equal to or greater than fifteen thousand gallons per day but less than sixteen thousand gallons per day;**
- (13) **Six hundred fifty dollars if the design flow is equal to or greater than sixteen thousand gallons per day but less than seventeen thousand gallons per day;**
- (14) **Eight hundred dollars if the design flow is equal to or greater than seventeen thousand gallons per day but less than twenty thousand gallons per day;**
- (15) **One thousand dollars if the design flow is equal to or greater than twenty thousand gallons per day but less than twenty-three thousand gallons per day;**
- (16) **Two thousand dollars if the design flow is equal to or greater than twenty-three thousand gallons per day but less than twenty-five thousand gallons per day;**
- (17) **Two thousand five hundred dollars if the design flow is equal to or greater than twenty-five thousand**

**gallons per day but less than thirty thousand gallons per day;**

**(18) Three thousand dollars if the design flow is equal to or greater than thirty thousand gallons per day but less than one million gallons per day; or**

**(19) Three thousand five hundred dollars if the design flow is equal to or greater than one million gallons per day.**

3. [In addition to the fees required in subsection 2 of this section, a city or publicly owned treatment works, a privately owned treatment works or a sewer district which operates an approved pretreatment program shall annually collect and pay:

(1) Three thousand dollars if the combined design flow is less than five million gallons per day; or

(2) Six thousand dollars if the combined design flow is equal to or greater than five million gallons per day.

4.] Persons who produce industrial process wastewater which requires treatment[, identified in 40 CFR 405 through 40 CFR 464,] **and who apply for or possess a site-specific permit** shall annually pay:

**(1) Five thousand dollars if the industry is a class IA animal feeding operation as defined by the commission; or**

**(2) For facilities issued operating permits based upon categorical standards pursuant to the Federal Clean Water Act and regulations implementing such act:**

**(a) Three thousand five hundred dollars if the design flow is less than one million gallons per day; or**

**[(2)] (b) Five thousand dollars if the design flow is equal to or greater than one million gallons per day.**

**4. Persons who apply for or possess a site-specific permit solely for industrial stormwater shall pay an annual fee of:**

**(1) One thousand three hundred fifty dollars if the design flow is less than one million gallons per day; or**

**(2) Two thousand three hundred fifty dollars if the design flow is equal to or greater than one million gallons per day.**

5. Persons who produce industrial process wastewater who are not included in **subsection 2 or 3** of this section shall annually pay:

(1) One thousand five hundred dollars if the design flow is less than one million gallons per day; or

(2) Two thousand five hundred dollars if the design flow is equal to or greater than one million gallons per day.

6. [The commission shall promulgate rules and regulations which specify treatment works, by category, whose discharge has only a minimal impact. Persons owning such treatment works, including private trout farms or hatcheries, may apply for a general permit. Persons who apply for a general permit which authorizes more than one discharge of the same type within a specific area shall pay a fee of one hundred fifty dollars for each such permit.] **Persons who apply for or possess a general permit shall pay:**

**(1) Three hundred dollars for the discharge of stormwater from a land disturbance site;**

**(2) Fifty dollars annually for the operation of a chemical fertilizer or pesticide facility;**

**(3) One hundred fifty dollars for the operation of an animal feeding operation or a concentrated animal feeding operation;**

**(4) One hundred fifty dollars annually for new permits for the discharge of process water or stormwater potentially contaminated by activities not included in subdivisions (1) to (3) of this subsection. Persons paying fees pursuant to this subdivision with existing general permits on August 27, 2000, and persons paying fees pursuant to this subdivision who receive renewed general permits on the same facility after August 27, 2000, shall pay sixty dollars annually.**

7. Requests for modifications to state operating permits on entities that charge a service connection fee pursuant to subsection 10 of this section shall be accompanied by a two hundred dollar fee. The department may waive the fee if it is determined that the necessary modification was either initiated by the department or caused by an error made by the department.

8. Requests for state operating permit modifications other than those described in subsection 7 of this section shall be accompanied by a fee equal to twenty-five percent of the annual operating fee assessed for the facility pursuant to this section. The department may waive the fee if it is determined that the necessary modification was either initiated by the department or caused by an error made by the department.

9. Persons requesting water quality certifications in accordance with section 401 of the Federal Clean Water Act shall pay a fee of seventy-five dollars and shall submit the standard application form for a section 404 permit as administered by the U.S. Army Corps of Engineers or similar information required for other federal licenses and permits, except that the fee is waived for water quality certifications issued and accepted

for activities authorized pursuant to a general permit or nationwide permit by the U.S. Army Corps of Engineers.

10. Persons with a direct or indirect sewer service connection to a public sewer system owned or operated by a city, public sewer district, public water district, or other publicly owned treatment works shall pay an annual fee per water service connection as provided in this subsection. Customers served by multiple water service connections shall pay such fee for each water service connection, except that no single facility served by multiple connections shall pay more than a total of seven hundred dollars per year. The fees provided for in this subsection shall be collected by the agency billing such customer for sewer service and remitted to the department. The fees may be collected in monthly, quarterly or annual increments, and shall be remitted to the department no less frequently than annually. The fees collected shall not exceed the amounts specified in this subsection and, except as provided in subsection 11 of this section, shall be collected at the specified amounts unless adjusted by the commission in rules. The annual fees shall not exceed:

(1) For sewer systems that serve more than thirty-five thousand customers, forty cents per residential customer as defined by the provider of said sewer service until such time as the commission promulgates rules defining the billing procedure;

(2) For sewer systems that serve equal to or less than thirty-five thousand but more than twenty thousand customers, fifty cents per residential customer as defined by the provider of said sewer service until such time as the commission promulgates rules defining the billing procedure;

(3) For sewer systems that serve equal to or less than twenty thousand but more than seven thousand customers, sixty cents per residential customer as defined by the provider of said sewer service until such time as the commission promulgates rules defining the billing procedure;

(4) For sewer systems that serve equal to or less than seven thousand but more than one thousand customers, seventy cents per residential customer as defined by the provider of said sewer service until such time as the commission promulgates rules defining the billing procedure;

(5) For sewer systems that serve equal to or less than one thousand customers, eighty cents per residential customer as defined by the provider of said sewer service until such time as the commission promulgates rules defining the billing procedure;

(6) Three dollars for commercial or industrial customers not served by a public water system as defined in chapter 640, RSMo;

(7) Three dollars per water service connection for all other customers with water service connections of less than or equal to one inch excluding taps for fire suppression and irrigation systems;

(8) Ten dollars per water service connection for all other customers with water service connections of more than one inch but less than or equal to four inches, excluding taps for fire suppression and irrigation systems;

(9) Twenty-five dollars per water service connection for all other customers with water service connections of more than four inches, excluding taps for fire suppression and irrigation systems.

11. Customers served by any district formed pursuant to the provisions of section 30(a) of article VI of the Missouri Constitution shall pay the fees set forth in subsection 10 of this section according to the following schedule:

(1) From August 28, 2000, through September 30, 2001, customers of any such district shall pay fifty percent of such fees; and

(2) Beginning October 1, 2001, customers of any such districts shall pay one hundred percent of such fees.

12. Persons submitting a notice of intent to operate pursuant to a permit by rule shall pay a filing fee of twenty-five dollars.

13. For any general permit issued to a state agency for highway construction pursuant to subdivision (1) of subsection 6 of this section, a single fee may cover all sites subject to the permit.

644.053. 1. Persons applying for a construction permit issued pursuant to this chapter shall pay a construction permit fee as [provided herein] follows:

(1) [Five hundred dollars] **Seven hundred fifty** for a [sewage] **wastewater** treatment plant if the design flow is less than five hundred thousand gallons per day;

(2) [One thousand five] **Two thousand two** hundred dollars for a [sewage] **wastewater** treatment plant if the design flow is equal to or more than five hundred thousand gallons per day;

(3) [Fifty] **Seventy-five** dollars for a sewer extension [if the extension is] **of** less than one thousand lineal feet of pipe;

(4) [Two] **Three** hundred dollars [for a construction permit] for a sewer extension equal to or more than one thousand lineal feet of pipe; or

(5) [Two] **Three** hundred dollars for each sewage pumping station.

2. The applicant shall pay the highest appropriate fee [under] **pursuant to** subdivisions (1) to (5) of subsection 1 of this section, but shall pay only [under] **pursuant to** one subdivision regardless of the nature of the planned construction.

**3. The commission may establish, by rule, general permits for construction and establish fees for such permits that shall not exceed the construction permit fees provided for in subsection 1 of this section.**

**4. Persons who apply for or possess an operator's certificate for treatment of wastewater or for concentrated animal feeding operation waste management shall pay fees of:**

(1) **Forty-five dollars for an application for a certificate of competency, including an initial exam and the issuance of an initial certificate of competency;**

(2) **Twenty dollars for an application for subsequent exams of the same certification type and level if the applicant fails the initial exam;**

(3) **Forty-five dollars for an application for a renewal of a certificate of competency;**

(4) **Forty dollars for an application for reciprocity with other certification programs; and**

(5) **Twenty-five dollars for the issuance of a reciprocated certificate of competency.**

644.054. 1. Fees imposed in sections 644.052 and 644.053 shall, **except for those fees imposed pursuant to subsection 4 and subsections 6 to 13 of section 644.052**, become effective October 1, 1990, and shall expire December 31, [2000] **2007. Fees imposed pursuant to subsection 4 and subsections 6 to 13 of section 644.052 shall become effective August 28, 2000, and shall expire on December 31, 2007.** The clean water commission shall promulgate rules and regulations on the procedures for billing and collection. All sums received through the payment of fees shall be placed in the state treasury and credited to an appropriate subaccount of the natural resources protection fund created in section 640.220, RSMo. Moneys in the subaccount shall be expended, upon appropriation, solely for the administration of sections 644.006 to 644.141. Fees collected **pursuant to subsection 10 of section 644.052** by a city, **a public sewer district, a public water district or other** publicly owned treatment works [or a sewer district in sections 644.052 and 644.053] are state fees. [These fees may be passed through to persons who utilize the treatment works or sewer district and may be enumerated separately from all other charges.] **Five percent of the fee revenue collected shall be retained by the city, public sewer district, public water district or other publicly owned treatment works as reimbursement of billing and collection expenses.**

**2. The commission may grant a variance pursuant to section 644.061 to reduce fees collected pursuant to section 644.052 for facilities that adopt systems or technologies that reduce the discharge of water contaminants substantially below the levels required by commission rules.**

**3. Fees imposed in subsections 2 to 6 of section 644.052 shall be due in accordance with the following schedule after August 27, 2000:**

(1) **For new or renewed permits, fees shall be due on the date of application and on each anniversary date of permit issuance thereafter until the permit is terminated;**

(2) **For permits in effect on August 27, 2000, fees shall be due on each anniversary date of permit issuance until the permit is terminated;**

(3) **For general permits issued pursuant to subdivisions (2) and (4) of subsection 6 of section 644.052 and in effect on August 27, 2000, the permittee will be credited thirty dollars on each anniversary date of permit issuance that falls between August 27, 2000, and the date the permit expires.**

644.056. 1. The [executive secretary] **director** shall cause investigations to be made upon the request of the commission or upon receipt of information concerning alleged violations of sections 644.006 to 644.141 or any standard, limitation, order, rule or regulation promulgated pursuant thereto, or any term or condition of any permit and may cause to be made any other investigations he **or she** deems advisable. Violations shall include obtaining a permit [hereunder] by misrepresentation or failure to fully disclose all relevant facts.

2. If, in the opinion of the [executive secretary] **director**, the investigation discloses that a violation does exist, [he] **the director** may, by conference, conciliation or persuasion, endeavor to eliminate the violation.

3. In case of the failure by conference, conciliation or persuasion to correct or remedy any claimed violation, or as required to immediately and effectively halt or eliminate any imminent or substantial endangerments to the health or welfare of persons resulting from the discharge of pollutants, the [executive secretary] **director** shall order abatement or file an abatement complaint with the commission if no permit has been issued, or in addition may file a complaint to revoke a permit if such permit has been issued. When the [executive secretary] **director** files a complaint, the

commission shall order a hearing. The [executive secretary] **director** shall cause to have issued and served upon the person complained against a written notice of the order or complaint, together with a copy of the order or complaint, which shall specify the provision of sections 644.006 to 644.141 or the standard, rule, limitation, or regulation adopted pursuant thereto, or the condition of the permit of which the person is alleged to be in violation, and a statement of the manner in which and the extent to which the person is alleged to violate sections 644.006 to 644.141 or the standard, rule, limitation, or regulation, or condition of the permit. In any case involving a complaint, the commission shall require the person complained against to answer the charges of the formal complaint at a hearing before the commission at a time not less than thirty days after the date of notice. Service may be made upon any person within or without the state by registered mail, return receipt requested. Any person against whom the [executive secretary] **director** issues an order may appeal the order to the commission within thirty days and the appeal shall stay the enforcement of the order until final determination by the commission. The commission shall set appeals for a hearing at a time not less than thirty days after the date of the request. The commission may sustain, reverse, or modify the [executive secretary's] **director's** order or may make such other orders as the commission deems appropriate under the circumstances. If any order issued by the [executive secretary] **director** is not appealed within the time [herein] provided **in this section**, the order becomes final and may be enforced as provided in section 644.076.

4. Permits [issued hereunder] may be terminated or modified if obtained in violation of sections 644.006 to 644.141 or by misrepresentation or failing to fully disclose all relevant facts, or when required to prevent violations of any provision of sections 644.006 to 644.141, or to protect the waters of this state, when such action is required by a change in conditions or the existence of a condition which requires either a temporary or permanent reduction or elimination of the authorized discharge, subject to the right of appeal contained in this section.

5. When the commission schedules a matter for hearing, the petitioner on appeal or the respondent to a formal complaint may appear at the hearing in person or by counsel, and may make oral argument, offer testimony and evidence, and cross-examine witnesses.

6. After due consideration of the record, or upon default in appearance of the respondent on the return day specified in the notice given as provided in subsection 3, the commission shall issue and enter such final order, or make such final determination as it deems appropriate under the circumstances, and it shall immediately notify the petitioner or respondent thereof in writing by certified or registered mail.

644.061. 1. Unless prohibited by any federal water pollution control act, or if an application does not require a permit [under] **pursuant to** any federal water pollution control act, the commission may grant individual variances beyond the limitations prescribed in sections 644.006 to 644.141 whenever it is found, upon presentation of adequate proof, that compliance with any provisions of sections 644.006 to 644.141 or rule or regulation, standard, requirement, limitation, or order of the commission or [executive secretary] **director** adopted pursuant thereto will result in an arbitrary and unreasonable taking of property or in the practical closing and elimination of any lawful business, occupation or activity, in either case, without sufficient corresponding benefit or advantage to the people; but no variance shall be granted where the effect of a variance will permit the continuance of a condition which may unreasonably cause or contribute to adverse health effects upon humans or upon fish or other aquatic life or upon game or other wildlife, and any variance so granted shall not be so construed as to relieve the person who receives the variance from any liability imposed by other law for the commission or maintenance of a nuisance.

2. In determining under what conditions and to what extent a variance may be granted, the commission shall exercise a wide discretion in weighing the equities involved and the advantages and disadvantages to the applicant and to those affected by water contaminants emitted by the applicant.

3. Variances shall be granted for such period of time and under such terms and conditions as shall be specified by the commission in its order. The variance may be extended by affirmative action of the commission. In no event shall the variance be granted for a period of time greater than is reasonably necessary for complying with sections 644.006 to 644.141 or any standard, rule or regulation promulgated [hereunder] **pursuant to sections 644.006 to 644.141**.

4. Any person seeking a variance shall file a petition for variance with the [executive secretary] **director**. There shall be a [twenty-five] **two hundred fifty** dollar filing fee payable to the state of Missouri with each [application before a variance is granted] **petition for variance**. The [executive secretary] **director** shall promptly investigate the application and make a recommendation to the commission within sixty days after the application is received as to whether the variance should be granted or denied. The [executive secretary] **director** shall promptly notify the petitioner of his **or her** action and at the same time shall send notice to those persons registered with the [executive secretary] **director** pursuant to section 644.036 who reside in the county where the water contaminant or point source is located.

5. If the recommendation of the [executive secretary] **director** is to deny the variance, a hearing as provided in

section 644.066 shall be held by the commission if requested by the petitioner within thirty days of the date of notice of the recommendation of the [executive secretary] **director**. If the recommendation of the [executive secretary] **director** is for the granting of the variance, the commission may grant the variance without a hearing, or, if not, shall set the matter for a hearing. If the commission grants the variance without a hearing the matter shall be passed upon at a public meeting no sooner than thirty days from the date of notice of the recommendation of the [executive secretary] **director**, except that upon petition, filed within thirty days from the date of notice, of any person aggrieved by the granting of the variance, a hearing shall be held and such petitioner shall become a party to the proceeding. In any hearing [under] **pursuant to** this section the burden of proof shall be on the person petitioning for a variance.

6. The commission may require the filing of a bond as a condition for the issuance of a variance in an amount determined by the commission to be sufficient to insure compliance with the terms and conditions of the variance. The bond shall be signed by the applicant as principal, and by a corporate surety licensed to do business in the state of Missouri and approved by the commission. The bond shall remain in effect until the terms and conditions of the variance are met and the provisions of sections 644.006 to 644.141 and rules and regulations promulgated pursuant thereto are complied with.

7. Upon failure to comply with the terms and conditions of any variance as specified by the commission, the variance may be revoked or modified or the bond may be revoked, or both, by the commission after a hearing held upon not less than thirty days' written notice. Notice shall be served upon all persons who will be subjected to greater restrictions if the variance is revoked or modified, or who have filed with the [executive secretary] **director** a written request for notification.

8. Any decision of the commission made pursuant to a hearing held [under] **pursuant to** this section is subject to judicial review as provided in section 644.071.

644.066. 1. At any public hearing all testimony taken before the commission shall be under oath and recorded stenographically. The transcript so recorded shall be made available to any member of the public or to the respondent or party to a hearing on a complaint, or any party to a hearing on a petition for variance, or appealing any order or determination of the [executive secretary] **director** upon payment of the usual charge therefor.

2. In any such hearing, any member of the commission or the hearing officer shall issue in the name of the commission notice of hearing and subpoenas. Subpoenas shall be issued and enforced as provided in section 536.077, RSMo. The rules of discovery that apply in any civil case apply to hearings held by the commission.

3. (1) All hearings to promulgate standards, rules, limitations, and regulations and to establish areas of the state shall be held before at least four members of the commission;

(2) All other hearings may be held before one commission member designated by the commission chairman or by a hearing officer who shall be a member of the Missouri bar and shall be appointed by the commission chairman. The hearing officer or commission member shall preside at the hearing and hear all evidence and rule on the admissibility of evidence. The hearing officer or commission member shall make recommended findings of fact and may make recommended conclusions of law to the commission;

(3) All final orders or determinations or other final actions by the commission shall be approved in writing by at least four members of the commission. Any commission member approving in writing any final order or determination or other final action, who did not attend the hearing, shall do so only after reviewing all exhibits and reading the entire transcript.

644.071. 1. All final orders or determinations of the commission or the [executive secretary] **director** made pursuant to the provisions of sections 644.006 to 644.141 are subject to judicial review pursuant to the provisions of chapter 536, RSMo. No judicial review shall be available, however, unless and until all administrative remedies are exhausted.

2. In any suit filed pursuant to section 536.050, RSMo, concerning the validity of the commission's standards, rules and regulations, the court shall review the record made before the commission to determine the validity and reasonableness of such standards, rules, limitations, and regulations and may hear such additional evidence as it deems necessary.

644.076. 1. It is unlawful for any person to cause or permit any discharge of water contaminants from any water contaminant or point source located in Missouri in violation of sections 644.006 to 644.141, or any standard, rule or regulation promulgated by the commission. In the event the commission or [its executive secretary] **the director** determines that any provision of sections 644.006 to 644.141 or standard, rules, limitations or regulations promulgated pursuant thereto, or permits issued by, or any final abatement order, other order, or determination made by the commission or the [executive secretary] **director**, or any filing requirement [under] **pursuant to** sections 644.006 to 644.141 or any other provision which this state is required to enforce [under] **pursuant to** any federal water pollution

control act, is being, was, or is in imminent danger of being violated, the commission or [executive secretary] **director** may cause to have instituted a civil action in any court of competent jurisdiction for the injunctive relief to prevent any such violation or further violation or for the assessment of a penalty not to exceed ten thousand dollars per day for each day, or part thereof, the violation occurred and continues to occur, or both, as the court deems proper. A civil monetary penalty [under] **pursuant to** this section shall not be assessed for a violation where an administrative penalty was assessed [under] **pursuant to** section 644.079. The commission or the [executive secretary] **director** may request either the attorney general or a prosecuting attorney to bring any action authorized in this section in the name of the people of the state of Missouri. Suit may be brought in any county where the defendant's principal place of business is located or where the water contaminant or point source is located or was located at the time the violation occurred. Any offer of settlement to resolve a civil penalty [under] **pursuant to** this section shall be in writing, shall state that an action for imposition of a civil penalty may be initiated by the attorney general or a prosecuting attorney representing the department [under authority of] **pursuant to** this section, and shall identify any dollar amount as an offer of settlement which shall be negotiated in good faith through conference, conciliation and persuasion.

2. Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan, or other document filed or required to be maintained [under] **pursuant to** sections 644.006 to 644.141 or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained [under] **pursuant to** sections 644.006 to 644.141 shall, upon conviction, be punished by a fine of not more than ten thousand dollars, or by imprisonment for not more than six months, or by both.

3. Any person who willfully or negligently commits any violation set forth [under] **pursuant to** subsection 1 of this section shall, upon conviction, be punished by a fine of not less than twenty-five hundred dollars nor more than twenty-five thousand dollars per day of violation, or by imprisonment for not more than one year, or both. Second and successive convictions for violation of the same provision [hereunder] **of this section** by any person shall be punished by a fine of not more than fifty thousand dollars per day of violation, or by imprisonment for not more than two years, or both.

4. The liabilities which shall be imposed pursuant to any provision of sections 644.006 to 644.141 upon persons violating the provisions of sections 644.006 to 644.141 or any standard, rule, limitation, or regulation adopted pursuant thereto shall not be imposed due to any violation caused by an act of God, war, strike, riot, or other catastrophe.

644.101. The state may provide assistance, as funds are available, pursuant to this chapter, to any county, municipality, public water district, public sewer district, or any combination of the same, **or any entity eligible pursuant to the Safe Drinking Water Act, as amended, or the Clean Water Act, as amended**, to assist them in the construction of public drinking water and water pollution control projects as authorized by the clean water commission. The state may provide assistance pursuant to this chapter, including but not limited to the purchase of water and/or wastewater revenue or general obligation bonds, bonds of any county, instrumentality of the state, state entity, municipality, public sewer district, public water district, community water system, nonprofit noncommunity water system or any combination of the same, **or any entity eligible pursuant to the Safe Drinking Water Act, as amended, or the Clean Water Act, as amended**.

644.122. 1. There is hereby created in the state treasury for use of the department a fund to be known as "The Water and Wastewater Loan Fund". All moneys received by the department for activities authorized in subdivisions (1), (3), (4), (5), and (6) of subsection 2 of this section shall be deposited in the fund for the use of the commission. Moneys received for the drinking water state revolving fund shall be used for the purposes identified in the federal Safe Drinking Water Act as amended and shall be accounted for separately.

2. The commission is hereby authorized to expend or use moneys deposited in the water and wastewater loan fund, upon appropriation by the general assembly to the department, for one or more of the following purposes as the same relate to the construction of public drinking water and water pollution control projects as authorized by the commission pursuant to this chapter:

(1) To make loans to any county, instrumentality of the state, municipality, public water district, public sewer district, community water system, nonprofit noncommunity water system or any combination of the same, **or any entity eligible pursuant to the Safe Drinking Water Act, as amended, or the Clean Water Act, as amended**;

(2) For the costs of administering programs and projects financed, in part, by the water and wastewater loan fund;

(3) As a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds or notes issued by the state or any agency or instrumentality thereof;

(4) To buy or refinance the debt obligation of any county, instrumentality of the state, municipality, public water district, public sewer district, community water system, nonprofit noncommunity water system, or any combination of

the same;

(5) To guarantee, or purchase insurance for, notes or obligations of any county, instrumentality of the state, municipality, public water district, public sewer district, community water system, nonprofit noncommunity water system or any combination of the same, where such action would improve credit market access or reduce interest rates;

(6) To provide loan guarantees for similar revolving funds established by any county, instrumentality of the state, municipality, public water district, public sewer district, or any combination of the same; and

(7) To earn interest on the water and wastewater loan fund accounts.

3. The unexpended balance in the water and wastewater loan fund at the end of the biennium shall not be transferred to the ordinary revenue fund of the state treasury and accordingly shall be exempt from the provisions of section 33.080, RSMo, relating to transfer of funds to the ordinary revenue funds of the state by the state treasurer.

4. For purposes of this section, public drinking water and water pollution control projects shall include, but not be limited to, the planning, design, and construction of water or wastewater facilities, or both, and the planning, design, and construction of nonpoint source control facilities identified in a nonpoint source control plan prepared by the department of natural resources."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Wiggins, **House Amendment No. 4** was adopted.

Representative Kreider offered **House Amendment No. 5**.

Representative Backer raised a point of order that **House Amendment No. 5** is not germane to the bill.

The Chair ruled the point of order well taken.

Representative Griesheimer offered **House Amendment No. 5**.

*House Amendment No. 5*

AMEND House Committee Substitute for Senate Bill No. 741, Page 9, Section 644.576, Line 5, by inserting after all of said line the following:

**"Section 1. 1. Any person who resides within the boundary of a public water supply district and who is unable to receive services from such district due to the district's failure to provide such services may elect to be removed from such district by sending a written and signed request for removal via certified mail to the district. The district shall, upon receipt of such request, remove such resident from the district. If the resident elects to be removed from the district, the resident shall compensate the district for any costs incurred by the district for such resident's removal from the district and for any attempts by the district to provide service to such resident prior to the certified date that the district received the request for removal.**

**2. This section shall only apply to persons living in, and water supply districts located in, any county of the first classification with a population of more than eighty thousand and less than eighty-three thousand inhabitants."; and**

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Griesheimer, **House Amendment No. 5** was adopted.

Representative Pouche offered **House Amendment No. 6**.

*House Amendment No. 6*

AMEND House Committee Substitute for Senate Bill No. 741, Page 5, Section 249.255, Line 10, by inserting after the word “**customer**” the following: “, **if water service charges are outstanding**,”.

Representative Pouche moved that **House Amendment No. 6** be adopted.

Which motion was defeated by the following vote:

AYES: 003

Levin	Murphy	Pouche 30
-------	--------	-----------

NOES: 138

Abel	Akin	Alter	Auer	Backer
Barnett	Barry 100	Bartelsmeyer	Bartle	Bennett
Berkowitz	Berkstresser	Black	Blunt	Boatright
Bonner	Boucher 48	Boykins	Bray 84	Britt
Campbell	Champion	Chrismer	Cierpiot	Clayton
Crawford	Crump	Curls	Davis 122	Davis 63
Days	Dolan	Dougherty	Enz	Evans
Farnen	Fitzwater	Foley	Ford	Foster
Franklin	Fraser	Gambaro	Gaskill	George
Gibbons	Graham 106	Graham 24	Gratz	Green
Griesheimer	Gross	Hagan-Harrell	Hampton	Hanaway
Harlan	Hartzler 123	Hartzler 124	Hegeman	Hendrickson
Hilgemann	Hohulin	Holand	Hollingsworth	Hoppe
Hosmer	Howerton	Kasten	Kelley 47	Kelly 27
Kennedy	King	Kissell	Klindt	Koller
Kreider	Lakin	Leake	Legan	Liese
Linton	Lograsso	Loudon	Luetkemeyer	Luetkenhaus
Marble	May 108	Mays 50	McClelland	McLuckie
Merideth	Miller	Monaco	Murray	Myers
Naeger	Nordwald	O'Toole	Ostmann	Overschmidt
Patek	Phillips	Pryor	Purgason	Ransdall
Reid	Reinhart	Relford	Richardson	Riley
Rizzo	Ross	Scheve	Schilling	Schwab
Scott	Secrest	Seigfreid	Selby	Shelton
Shields	Skaggs	Smith	Summers	Surface
Thompson	Townley	Treadway	Tudor	Vogel
Ward	Wiggins	Williams 121	Williams 159	Wilson 25
Wilson 42	Wright	Mr. Speaker		

PRESENT: 000

ABSENT WITH LEAVE: 021

Ballard	Brooks	Burton	Elliott	Froelker
Gunn	Hickey	Lawson	Long	McBride
McKenna	O'Connor	Parker	Reynolds	Ridgeway
Robirds	Sallee	Stokan	Troupe	Van Zandt
Wagner				

VACANCIES: 001

Representative Howerton offered **House Amendment No. 7**.

Representative Shields raised a point of order that **House Amendment No. 7** is not germane to the bill.

The Chair ruled the point of order well taken.

Representative Richardson offered **House Amendment No. 7**.

Representative Backer raised a point of order that **House Amendment No. 7** is not germane to the bill.

The Chair ruled the point of order well taken.

On motion of Representative Backer, **HCS SB 741, as amended**, was adopted.

On motion of Representative Backer, **HCS SB 741, as amended**, was read the third time and passed by the following vote:

AYES: 147

Abel	Akin	Alter	Auer	Backer
Barnett	Barry 100	Bartelsmeyer	Bartle	Bennett
Berkowitz	Berkstresser	Black	Blunt	Boatright
Bonner	Boucher 48	Boykins	Bray 84	Britt
Brooks	Campbell	Champion	Chrismer	Cierpiot
Clayton	Crawford	Crump	Curls	Davis 122
Davis 63	Days	Dolan	Dougherty	Enz
Evans	Farnen	Fitzwater	Foley	Ford
Foster	Franklin	Fraser	Froelker	Gambara
Gaskill	George	Gibbons	Graham 106	Graham 24
Gratz	Green	Griesheimer	Gross	Gunn
Hagan-Harrell	Hampton	Hanaway	Harlan	Hartzler 123
Hartzler 124	Hegeman	Hendrickson	Hilgemann	Hohulin
Holand	Hollingsworth	Hoppe	Hosmer	Howerton
Kasten	Kelley 47	Kelly 27	Kennedy	King
Klindt	Koller	Kreider	Lakin	Lawson
Leake	Legan	Levin	Liese	Linton
Lograsso	Loudon	Luetkemeyer	Luetkenhaus	Marble
May 108	Mays 50	McClelland	McLuckie	Merideth
Miller	Monaco	Murphy	Murray	Myers
Naeger	Nordwald	O'Toole	Ostmann	Overschmidt
Parker	Patek	Phillips	Pouche 30	Pryor
Purgason	Ransdall	Reid	Reinhart	Relford
Richardson	Ridgeway	Riley	Rizzo	Ross
Sallee	Scheve	Schilling	Schwab	Scott
Secrest	Seigfreid	Selby	Shelton	Shields
Skaggs	Smith	Summers	Surface	Thompson
Townley	Treadway	Tudor	Vogel	Ward
Wiggins	Williams 121	Williams 159	Wilson 25	Wilson 42
Wright	Mr. Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 015

Ballard	Burton	Elliott	Hickey	Kissell
Long	McBride	McKenna	O'Connor	Reynolds
Robirds	Stokan	Troupe	Van Zandt	Wagner

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Ransdall, title to the bill was agreed to.

Representative McLuckie moved that the vote by which the bill passed be reconsidered.

Representative Britt moved that motion lay on the table.

The latter motion prevailed.

### **MESSAGE FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS SB 961, as amended**, and requests that the House recede from its position or, failing to do so, grant the Senate a conference thereon.

### **BILL CARRYING REQUEST MESSAGE**

**HS SB 961, as amended**, relating to National Guard scholarships, was taken up by Representative Ransdall.

Representative Ransdall moved that the House refuse to recede from its position on **HS SB 961, as amended**, and grant the Senate a conference.

Which motion was adopted.

### **APPOINTMENT OF CONFERENCE COMMITTEE**

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bill:

**HS SB 961:** Representatives Ransdall, Boucher, Ward, Ross and Dolan

### **THIRD READING OF SENATE BILL**

Speaker Pro Tem Kreider resumed the Chair.

**HCS SB 922**, relating to retirement benefits, was taken up by Representative Hagan-Harrell.

Speaker Gaw resumed the Chair.

Representative Shields offered **House Amendment No. 1**.

#### *House Amendment No. 1*

AMEND House Committee Substitute for Senate Bill No. 922, Page 81, Section 476.690, Line 18, by removing subsection "3" of said bill.

Representative Shields moved that **House Amendment No. 1** be adopted.

Which motion was defeated.

Representative O'Toole offered **House Amendment No. 2.**

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Bill No. 922, Page 1, In the Title, Lines 9 and 10, by deleting from said lines the following: "**104.110, 104.371, 104.374,**"; and

Further amend said bill, Page 1, In the Title, Line 11, by deleting the word "**ninety**" and inserting in lieu thereof the word "**eighty-seven**"; and

Further amend said bill, Page 1, Section A, Line 8, by deleting from said line the following: "**104.110, 104.371, 104.374,**"; and

Further amend said bill, Page 2, Section A, Line 9, by deleting the word "**ninety**" and inserting in lieu thereof the word "**eighty-seven**"; and

Further amend said bill, Page 2, Section A, Line 17, by deleting from said line the following: "**104.110, 104.371, 104.374,**"; and

Further amend said bill, Pages 62 through 66, Sections 104.110, 104.371 and 104.374, by deleting all of said sections; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative O'Toole, **House Amendment No. 2** was adopted.

Representative Kissell offered **House Amendment No. 3.**

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Bill No. 922, Page 2, Section 50.1175, Line 11, by adding after all of said line the following:

"67.210. Any political subdivision which provides or pays for health insurance benefits for its officers and employees may also provide or pay for all or part of such benefits, as may be determined by the governing body of the political subdivision, for the dependents of its officers and employees, and for retired employees **and their dependents and the dependents of deceased employees** of the political subdivision."; and

Further amend the title, enacting clause and intersectional references accordingly.

On motion of Representative Kissell, **House Amendment No. 3** was adopted.

Representative Hagan-Harrell offered **House Amendment No. 4.**

House Amendment No. 4

AMEND House Committee Substitute for Senate Bill No. 922, Page 1, In the Title, Line 10, by inserting immediately after "**160.420**," the following: "**169.070**,"; and

Further amend said bill, Page 1, In the Title, Line 11, by deleting the word "**ninety**" and inserting in lieu thereof the word "**ninety-one**"; and

Further amend said bill, Page 1, Section A, Line 8, by inserting immediately after "**160.420**," the following: "**169.070**,"; and

Further amend said bill, Page 2, Section A, Line 9, by striking the word "**ninety**" and inserting in lieu thereof the word "**ninety-one**"; and

Further amend said bill, Page 2, Section A, Line 17, by inserting immediately after "**160.420**," the following: "**169.070**,"; and

Further amend said bill, Page 67, Section 160.420, Line 32, by inserting immediately after said line the following:

"169.070. 1. The retirement allowance of a member whose age at retirement is sixty years or more and whose creditable service is five years or more, or whose sum of age and creditable service equals eighty years or more, or who has attained age fifty-five and whose creditable service is twenty-five years or more or whose creditable service is thirty years or more regardless of age, may be the sum of the following items, not to exceed one hundred percent of the member's final average salary:

- (1) Two and five-tenths percent of the member's final average salary for each year of membership service;
- (2) Six-tenths of the amount payable for a year of membership service for each year of prior service not exceeding thirty years.

In lieu of the retirement allowance otherwise provided in subdivisions (1) and (2) of this subsection, a member may elect to receive a retirement allowance of:

(3) Between July 1, 1998, and July 1, 2000, two and four-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-nine years or more but less than thirty years, and the member has not attained age fifty-five;

(4) Between July 1, 1998, and July 1, 2000, two and thirty-five-hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-eight years or more but less than twenty-nine years, and the member has not attained age fifty-five;

(5) Between July 1, 1998, and July 1, 2000, two and three-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-seven years or more but less than twenty-eight years, and the member has not attained age fifty-five;

(6) Between July 1, 1998, and July 1, 2000, two and twenty-five-hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-six years or more but less than twenty-seven years, and the member has not attained age fifty-five;

(7) Between July 1, 1998, and July 1, 2000, two and two-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-five years or more but less than twenty-six years, and the member has not attained age fifty-five.

2. In lieu of the retirement allowance provided in subsection 1 of this section, a member whose age is sixty years or more on September 28, 1975, may elect to have the member's retirement allowance calculated as a sum of the following items:

(1) Sixty cents plus one and five-tenths percent of the member's final average salary for each year of membership service;

(2) Six-tenths of the amount payable for a year of membership service for each year of prior service not exceeding thirty years;

(3) Three-fourths of one percent of the sum of subdivisions (1) and (2) of this subsection for each month of attained age in excess of sixty years but not in excess of age sixty-five.

3. (1) In lieu of the retirement allowance provided either in subsection 1 or 2 of this section, collectively called

"option 1", a member whose creditable service is twenty-five years or more or who has attained the age of fifty-five with five or more years of creditable service may elect in the member's application for retirement to receive the actuarial equivalent of the member's retirement allowance in reduced monthly payments for life during retirement with the provision that:

Option 2. Upon the member's death the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member as the member shall have nominated in the member's election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the retired member elected option 1;

OR

Option 3. Upon the death of the member three-fourths of the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the member elected option 1;

OR

Option 4. Upon the death of the member one-half of the reduced retirement allowance shall be continued throughout the life of, and paid to, such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance shall be increased to the amount the retired member would be receiving had the member elected option 1;

OR

Option 5. Upon the death of the member prior to the member having received one hundred twenty monthly payments of the member's reduced allowance, the remainder of the one hundred twenty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the one hundred twenty monthly payments, the reserve for the remainder of such one hundred twenty monthly payments shall be paid to the estate of the last person to receive a monthly allowance;

OR

Option 6. Upon the death of the member prior to the member having received sixty monthly payments of the member's reduced allowance, the remainder of the sixty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the sixty monthly payments, the reserve of the remainder of such sixty monthly payments shall be paid to the estate of the last person to receive a monthly allowance.

(2) The election of an option may be made only in the application for retirement and such application must be filed prior to the date on which the retirement of the member is to be effective. If either the member or the person nominated to receive the survivorship payments dies before the effective date of retirement, the option shall not be effective, provided that:

(a) If the member or a person retired on disability retirement dies after acquiring twenty-five or more years of creditable service or after attaining the age of fifty-five years and acquiring five or more years of creditable service and before retirement, except retirement with disability benefits, and the person named by the member as the member's primary beneficiary has an insurable interest in the life of the deceased member, the designated beneficiary may elect to receive either survivorship benefits under option 2 or a payment of the accumulated contributions of the member. If survivorship benefits under option 2 are elected and the member at the time of death would have been eligible to receive an actuarial equivalent of the member's retirement allowance, the designated beneficiary may further elect to defer the option 2 payments until the date the member would have been eligible to receive the retirement allowance provided in subsection 1 or 2 of this section;

(b) If the member or a person retired on disability retirement dies before attaining age fifty-five but after acquiring five but fewer than twenty-five years of creditable service, and the person named as the member's primary beneficiary has an insurable interest in the life of the deceased member, the designated beneficiary may elect to receive either a payment of the member's accumulated contributions, or survivorship benefits under option 2 to begin on the date the member would first have been eligible to receive an actuarial equivalent of the member's retirement allowance, or to begin on the date the member would first have been eligible to receive the retirement allowance provided in

subsection 1 or 2 of this section.

4. If the total of the retirement allowance paid to an individual before the death of the individual is less than the accumulated contributions at the time of retirement, the difference shall be paid to the beneficiary of the individual, or to the estate of the individual, if there be no beneficiary. If an optional benefit as provided in option 2, 3 or 4 in subsection 3 of this section had been elected, and the beneficiary dies after receiving the optional benefit, and if the total retirement allowance paid to the retired individual and the beneficiary of the retired individual is less than the total of the contributions, the difference shall be paid to the estate of the beneficiary unless the retired individual designates a different recipient with the board at or after retirement.

5. If a member dies before receiving a retirement allowance, the member's accumulated contributions at the time of the death of the member shall be paid to the beneficiary of the member or to the estate of the member, if there be no beneficiary; except that, no such payment shall be made if the beneficiary elects option 2 in subsection 3 of this section, unless the beneficiary dies before having received benefits pursuant to that subsection equal to the accumulated contributions of the member, in which case the amount of accumulated contributions in excess of the total benefits paid pursuant to that subsection shall be paid to the estate of the beneficiary.

6. If a member ceases to be a public school employee as herein defined and certifies to the board of trustees that such cessation is permanent, or if the membership of the person is otherwise terminated, the member shall be paid the member's accumulated contributions with interest.

7. Notwithstanding any provisions of sections 169.010 to 169.141 to the contrary, if a member ceases to be a public school employee after acquiring five or more years of membership service in Missouri, the member may at the option of the member leave the member's contributions with the retirement system and claim a retirement allowance any time after reaching the minimum age for voluntary retirement. When the member's claim is presented to the board, the member shall be granted an allowance as provided in sections 169.010 to 169.141 on the basis of the member's age, years of service, and the provisions of the law in effect at the time the member requests the member's retirement to become effective.

8. The retirement allowance of a member retired because of disability shall be nine-tenths of the allowance to which the member's creditable service would entitle the member if the member's age were sixty, or fifty percent of one-twelfth of the annual salary rate used in determining the member's contributions during the last school year for which the member received a year of creditable service immediately prior to the member's disability, whichever is greater, except that no such allowance shall exceed the retirement allowance to which the member would have been entitled upon retirement at age sixty if the member had continued to teach from the date of disability until age sixty at the same salary rate.

9. Notwithstanding any provisions of sections 169.010 to 169.141 to the contrary, from October 13, 1961, the contribution rate pursuant to sections 169.010 to 169.141 shall be multiplied by the factor of two-thirds for any member of the system for whom federal Old Age and Survivors Insurance tax is paid from state or local tax funds on account of the member's employment entitling the person to membership in the system. The monetary benefits for a member who elected not to exercise an option to pay into the system a retroactive contribution of four percent on that part of the member's annual salary rate which was in excess of four thousand eight hundred dollars but not in excess of eight thousand four hundred dollars for each year of employment in a position covered by this system between July 1, 1957, and July 1, 1961, as provided in subsection 10 of this section as it appears in RSMo 1969, shall be the sum of:

(1) For years of service prior to July 1, 1946, six-tenths of the full amount payable for years of membership service;

(2) For years of membership service after July 1, 1946, in which the full contribution rate was paid, full benefits under the formula in effect at the time of the member's retirement;

(3) For years of membership service after July 1, 1957, and prior to July 1, 1961, the benefits provided in this section as it appears in RSMo 1959; except that if the member has at least thirty years of creditable service at retirement the member shall receive the benefit payable pursuant to that section as though the member's age were sixty-five at retirement;

(4) For years of membership service after July 1, 1961, in which the two-thirds contribution rate was paid, two-thirds of the benefits under the formula in effect at the time of the member's retirement.

10. The monetary benefits for each other member for whom federal Old Age and Survivors Insurance tax is or was paid at any time from state or local funds on account of the member's employment entitling the member to membership in the system shall be the sum of:

(1) For years of service prior to July 1, 1946, six-tenths of the full amount payable for years of membership service;

(2) For years of membership service after July 1, 1946, in which the full contribution rate was paid, full benefits under the formula in effect at the time of the member's retirement;

(3) For years of membership service after July 1, 1957, in which the two-thirds contribution rate was paid, two-thirds of the benefits under the formula in effect at the time of the member's retirement.

11. Any retired member of the system who was retired prior to September 1, 1972, or beneficiary receiving payments under option 1 or option 2 of subsection 3 of this section, as such option existed prior to September 1, 1972, will be eligible to receive an increase in the retirement allowance of the member of two percent for each year, or major fraction of more than one-half of a year, which the retired member has been retired prior to July 1, 1975. This increased amount shall be payable commencing with January, 1976, and shall thereafter be referred to as the member's retirement allowance. The increase provided for in this subsection shall not affect the retired member's eligibility for compensation provided for in section 169.580 or 169.585, nor shall the amount being paid pursuant to these sections be reduced because of any increases provided for in this section.

12. If the board of trustees determines that the cost of living, as measured by generally accepted standards, increases two percent or more in the preceding fiscal year, the board shall increase the retirement allowances which the retired members or beneficiaries are receiving by two percent of the amount being received by the retired member or the beneficiary at the time the annual increase is granted by the board; with the provision that the increases provided for in this subsection shall not become effective until the fourth January first following the member's retirement or January 1, 1977, whichever later occurs. Commencing with January 1, 1992, if the board of trustees determines that the cost of living has increased five percent or more in the preceding fiscal year, the board shall increase the retirement allowances by five percent. The total of the increases granted to a retired member or the beneficiary after December 31, 1976, may not exceed seventy-five percent of the retirement allowance established at retirement or as previously adjusted by other subsections. If the cost of living increases less than five percent, the board of trustees may determine the percentage of increase to be made in retirement allowances, but at no time can the increase exceed five percent per year. If the cost of living decreases in a fiscal year, there will be no increase in allowances for retired members on the following January first.

13. The board of trustees may reduce the amounts which have been granted as increases to a member pursuant to subsection 12 of this section if the cost of living, as determined by the board and as measured by generally accepted standards, is less than the cost of living was at the time of the first increase granted to the member; except that, the reductions shall not exceed the amount of increases which have been made to the member's allowance after December 31, 1976.

14. Any application for retirement shall include a sworn statement by the member certifying that the spouse of the member at the time the application was completed was aware of the application and the plan of retirement elected in the application.

15. Notwithstanding any other provision of law, any person retired prior to September 28, 1983, who is receiving a reduced retirement allowance under option 1 or option 2 of subsection 3 of this section, as such option existed prior to September 28, 1983, and whose beneficiary nominated to receive continued retirement allowance payments under the elected option dies or has died, shall upon application to the board of trustees have his or her retirement allowance increased to the amount he or she would have been receiving had the option not been elected, actuarially adjusted to recognize any excessive benefits which would have been paid to him or her up to the time of application.

16. Benefits paid pursuant to the provisions of the public school retirement system of Missouri shall not exceed the limitations of Section 415 of Title 26 of the United States Code[.] **except as provided pursuant to this subsection. Notwithstanding any other law to the contrary, the board of trustees may establish a benefit plan pursuant to Section 415(m) of Title 26 of the United States Code. Such plan shall be created solely for the purpose described in Section 415(m)(3)(A) of Title 26 of the United States Code. The board of trustees may promulgate regulations necessary to implement the provisions of this subsection and to create and administer such benefit plan.**

17. Notwithstanding any other provision of law to the contrary, any person retired before, on, or after May 26, 1994, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties the person shall receive an amount based on the person's years of service so that the total amount received pursuant to sections 169.010 to 169.141 shall be at least the minimum amounts specified in subdivisions (1) to (4) of this subsection. In determining the minimum amount to be received, the amounts in subdivisions (3) and (4) of this subsection shall be adjusted in accordance with the actuarial adjustment, if any, that was applied to the person's retirement allowance. In determining the minimum amount to be received, beginning September 1, 1996, the amounts in subdivisions (1) and (2) of this subsection shall be adjusted in accordance with the

actuarial adjustment, if any, that was applied to the person's retirement allowance due to election of an optional form of retirement having a continued monthly payment after the person's death. Notwithstanding any other provision of law to the contrary, no person retired before, on, or after May 26, 1994, and no beneficiary of such a person, shall receive a retirement benefit pursuant to sections 169.010 to 169.141 based on the person's years of service less than the following amounts:

- (1) Thirty or more years of service, one thousand two hundred dollars;
- (2) At least twenty-five years but less than thirty years, one thousand dollars;
- (3) At least twenty years but less than twenty-five years, eight hundred dollars;
- (4) At least fifteen years but less than twenty years, six hundred dollars.

18. Notwithstanding any other provisions of law to the contrary, any person retired prior to May 26, 1994, and any designated beneficiary of such a retired member who was deceased prior to July 1, 1999, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement or aging and upon request shall give written or oral opinions to the board in response to such requests. Beginning September 1, 1996, as compensation for such service, the member shall have added, pursuant to this subsection, to the member's monthly annuity as provided by this section a dollar amount equal to the lesser of sixty dollars or the product of two dollars multiplied by the member's number of years of creditable service. Beginning September 1, 1999, the designated beneficiary of the deceased member shall as compensation for such service, have added, pursuant to this subsection, to the monthly annuity as provided by this section a dollar amount equal to the lesser of sixty dollars or the product of two dollars multiplied by the member's number of years of creditable service. The total compensation provided by this section including the compensation provided by this subsection shall be used in calculating any future cost-of-living adjustments provided by subsection 12 of this section.

19. Any member who has retired prior to July 1, 1998, and the designated beneficiary of a deceased retired member shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties the person shall receive a payment equivalent to eight and seven-tenths percent of the previous month's benefit, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 12 and 13 of this section for the purposes of the limit on the total amount of increases which may be received.

20. Any member who has retired shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such request. As compensation for such duties, the person shall receive as a part of compensation for these duties a death benefit of five thousand dollars.

21. Any member who has retired prior to July 1, 1999, and the designated beneficiary of a retired member who was deceased prior to July 1, 1999, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests.

As compensation for such duties, the person shall have added, pursuant to this subsection, to the monthly annuity as provided by this section a dollar amount equal to five dollars times the member's number of years of creditable service."; and

Further amend said title, enacting clause and intersectional references accordingly.

**HCS SB 922, as amended, with House Amendment No. 4, pending, was laid over.**

### **REFERRAL OF HOUSE RESOLUTION**

The following House Resolution was referred to the Committee indicated:

**HR 1541 - Miscellaneous Bills and Resolutions**

## COMMITTEE REPORTS

**Committee on Agri-Business**, Chairman Williams (159) reporting:

Mr. Speaker: Your Committee on Agri-Business, to which was referred **SCR 37**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

House Committee Substitute  
for  
Senate Concurrent Resolution No. 37

WHEREAS, the President of the United States has proposed the creation of a Delta Regional Authority; and

WHEREAS, the Delta Regional Authority would bring the resources of a Federal-State partnership to the region for economic growth and to provide the infrastructure and job training needed to make prosperity possible in the Delta; and

WHEREAS, the affected counties in Missouri desire to participate with the Delta Regional Authority in any policy development and programs for the Delta area:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninetieth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby authorize the creation of the "Missouri Commission on the Delta Regional Authority"; and

BE IT FURTHER RESOLVED that the Missouri Commission on the Delta Regional Authority shall make recommendations to the General Assembly regarding policy development, prioritization of funding based upon poverty, joblessness, lack of job availability, literacy rates and level of education, and programs and interstate compacts; and

BE IT FURTHER RESOLVED that the Missouri Commission on the Delta Regional Authority may accept general revenue and other funds as may be appropriated to it; and

BE IT FURTHER RESOLVED that the Missouri Commission on the Delta Regional Authority shall be composed of one county commissioner or designee from each of the following central counties designated by the Lower Mississippi Delta Commission of Scott, Mississippi, New Madrid, Pemiscot, Dunklin, Stoddard and Butler, one of Missouri's representatives on the board of the lower Mississippi delta development center appointed by the governor, one member of the public chosen to represent the interests of agriculture appointed by the governor, one member of the public to represent business and industry appointed by the governor, and one member of the public to represent education appointed by the governor, three members of the house of representatives who represent the central counties designated by the Lower Mississippi Delta Development Commission, appointed by the speaker of the house, one member of the senate who represents the area of the central counties designated by the Lower Mississippi Delta Development Commission, appointed by the president pro tem, and the following ex officio members: the directors of the departments of economic development, transportation and agriculture, the director of the family investment trust, the commissioner of education, the commissioner of higher education, one member of the board of the Lower Mississippi River Delta Center; and

BE IT FURTHER RESOLVED that the department of economic development shall provide professional, legal and clerical staff for the Missouri Commission on the Delta Regional Authority; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Governor Mel Carnahan.

**Committee on Ethics**, Chairman Clayton reporting:

Mr. Speaker: Your Committee on Ethics, to which was referred **addition to the T.R.U.T.H. Caucus**, begs leave to report it has examined the same and **approves it pursuant to 105.473(2)(c)d RSMo.**

March 29, 2000

The Honorable Robert Clayton  
Chairman, House Ethics Committee  
Room 114C - State Capitol  
Jefferson City, MO 65101

Dear Representative Clayton:

I am requesting that Norma Champion be added to the T.R.U.T.H. Caucus. Attached you will find a letter containing Representative Champion's signature.

Thank you.

Sincerely,

/s/ Don Lograsso

March 15, 2000

Rep. Don Lograsso  
House Post Office  
Jefferson City, MO 65101

Dear Don:

Please add my name to the membership of the T.R.U.T.H. Caucus.

Thank you.

Sincerely,

/s/ Norma Champion

Mr. Speaker: Your Committee on Ethics, to which was referred **addition to the Women Legislators of MO Caucus**, begs leave to report it has examined the same and **approves it pursuant to 105.473(2)(c)d RSMo.**

DATE: April 17, 2000

TO: Representative Robert Clayton  
Chairman, House Committee on Ethics

FROM: Representative Dana L. Murray, President  
Women Legislators of Missouri

RE: Addendum to Women Legislators of MO Caucus

In accordance with Section 105.473.3(2)(c)d RSMo, we would like to add the following members of the General Assembly as members of the Women Legislators of Missouri Caucus:

<u>Rep. District</u>	<u>Name</u>
32	/s/ Susan C. Phillips
37	/s/ Sharon Sanders Brooks
41	/s/ Melba J. Curls
42	/s/ Yvonne S. Wilson

Also, please remove Rep. Paula Carter from the Representative list and add her to the Senatorial list, District 9.

Mr. Speaker: Your Committee on Ethics, to which was referred **addition to the House Democratic Caucus**, begs leave to report it has examined the same and **approves it pursuant to 105.473(2)(c)d RSMo**.

DATE: April 10, 2000

TO: Representative Robert Clayton  
Chairman, House Committee on Ethics

FROM: Representative Dana L. Murray  
Majority Caucus Secretary

RE: Addendum to House Democratic Caucus

In accordance with Section 105.473.3(2)(c)d RSMo, we would like to add the following members of the General Assembly as members of the Missouri House Democratic Caucus:

<u>District</u>	<u>Name</u>
37	/s/ Sharon Sanders Brooks
162	/s/ Denny J. Merideth III

April 5, 2000

The Honorable Robert Clayton  
Chairman  
House Committee on Ethics  
Capitol Building  
Room 114 C  
Jefferson City, MO 65101

Dear Chairman Clayton:

I respectfully request that you add my name to the House Democratic Caucus.

Thank you for your consideration in this matter.

Sincerely,

/s/ Denny J. Merideth, III  
State Representative, District 162

Mr. Speaker: Your Committee on Ethics, to which was referred **addition to the Legislators for a Moderate Agenda Caucus**, begs leave to report it has examined the same and **approves it pursuant to 105.473(2)(c)d RSMo.**

May 4, 2000

Anne Walker  
Chief Clerk  
Missouri House of Representatives  
State Capitol  
Jefferson City, MO 65102

Dear Chief Clerk:

I would like to respectfully request that Harold Selby be added as a member to the Moderate Agenda Caucus. Thank you for your consideration.

Sincerely,

/s/ Ron Auer  
59<sup>th</sup> Legislative District

May 3, 2000

The Honorable Ron Auer  
State Capitol - Room 411  
Jefferson City, MO 65101

Dear Representative Auer:

I would like to become a member of the *Moderate Agenda Caucus*. Thank you for your consideration.

Respectfully,

/s/ Harold R. Selby  
State Representative  
District 105

**Committee on Public Health**, Chairman Ladd Stokan reporting:

Mr. Speaker: Your Committee on Public Health, to which was referred **SCS SB 685**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**CONFERENCE COMMITTEE REPORT  
ON  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 944**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on House Committee Substitute for Senate Bill No. 944, with House Amendments Nos. 1, 2, 3, 4, 5, 6, House Substitute Amendment No. 1 for House Amendment No. 7, House Amendments Nos. 8, 9, 11, 13, 14 and 15, begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 944, as amended;
2. That the Senate recede from its position on Senate Bill No. 944; and
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 944 be adopted.

**FOR THE HOUSE:**

/s/ Phil Smith  
/s/ D. J. Davis  
/s/ Kate Hollingsworth  
/s/ Emmy McClelland  
/s/ Jewell Patek

**FOR THE SENATE:**

/s/ Harold Caskey  
/s/ Joe Maxwell  
/s/ Jerry Howard  
/s/ Roseann Bentley  
/s/ Morris Westfall

**CONFERENCE COMMITTEE REPORT  
ON  
SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1808**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on Senate Substitute for Senate Committee Substitute for House Bill No. 1808 with Senate Amendment No. 1, Senate Amendment No. 2, Senate Substitute Amendment No. 1 for Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 1 to Senate Amendment No. 5, Senate Amendment No. 5, as amended, Senate Amendment No. 7, Senate Amendment No. 8, Senate Amendment No. 10, Senate Amendment No. 12 and Senate Substitute Amendment No. 1 for Senate Committee Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Bill No. 1808, as amended;
2. That the House recede from its position on House Bill No. 1808;
3. That the attached Conference Committee Substitute be adopted.

**FOR THE HOUSE:**

/s/ James O'Toole  
/s/ Richard Franklin  
/s/ Mary Hagan-Harrell  
/s/ T. Mark Elliott  
/s/ Bill Foster

**FOR THE SENATE:**

/s/ John Scott  
/s/ James Mathewson  
/s/ Ronnie DePasco  
/s/ David Klarich  
/s/ Peter Kinder

**CONFERENCE COMMITTEE REPORT  
ON  
HOUSE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 881**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on House Substitute for House Committee Substitute for Senate Bill No. 881 begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Bill No. 881;
2. That the Senate recede from its position on Senate Bill No. 881;
3. That the attached Conference Committee Substitute be adopted.

**FOR THE HOUSE:**

/s/ Tom Hoppe  
/s/ Ron Auer  
/s/ May Scheve  
/s/ Jon Dolan  
/s/ John Griesheimer

**FOR THE SENATE:**

/s/ Harry Wiggins  
/s/ John Scott  
/s/ Harold Caskey  
/s/ Anita Yeckel  
/s/ Betty Sims

### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS HCS SB 896, as amended**, and requests the House to recede from its position specifically on **HA 9** and **HA 12** and take up and pass the bill.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SB 944, as amended**, and has taken up and passed **CCS HCS SB 944**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HB 1948** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Staples, Mathewson, Scott, Childers and Westfall.

### APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bill:

**SCS SB 1948:** Representatives Gratz, Ransdall, Koller, Marble and Hartzler (124)

### ADJOURNMENT

On motion of Representative Crump, the House adjourned until 9:30 a.m., Tuesday, May 9, 2000.

### CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Sixty-seventh Day, Sunday, May 7, 2000, pages 1395 and 1396, roll call, by showing Representative Barnett voting "aye" rather than "absent with leave".

Pages 1396 and 1397, roll call, by showing Representative Gross voting "aye" rather than "absent with leave".

Pages 1402 and 1403, roll call, by showing Representative Long voting "no" rather than "absent with leave".

Pages 1403 and 1404, roll call, by showing Representatives Davis (63) and Long voting "aye" rather than "absent with leave".

Page 1404, roll call, by showing Representative Sanders-Brooks voting "aye" rather than "present".

Page 1404, roll call, by showing Representatives Davis (63) and Long voting "aye" rather than "absent with leave".

Pages 1405 and 1406, roll call, by showing Representatives Campbell, Davis (63) and Long voting "aye" rather than "absent with leave".

## **COMMITTEE MEETINGS**

### **FISCAL REVIEW**

Tuesday, May 9, 2000, 8:00 am. Hearing Room 1. (Fiscal Note).

To be considered - HR 1250, SB 573, SB 597, SB 683, SB 806, Executive Session - SB 885, Executive Session - SB 974

### **MISCELLANEOUS BILLS AND RESOLUTIONS**

Wednesday, May 10, 2000, 9:00 am. Hearing Room 6.

Executive Session may follow.

To be considered - HR 1541, SCR 44

### **PUBLIC SAFETY AND LAW ENFORCEMENT**

Tuesday, May 9, 2000, 9:15 am. Side gallery.

To be considered - Executive Session - SB 756

### **SOCIAL SERVICES, MEDICAID AND THE ELDERLY**

Tuesday, May 9, 2000. Hearing Room 6 upon morning adjournment.

Possible Executive Session to follow.

To be considered - HCR 38

## **HOUSE CALENDAR**

SIXTY-NINTH DAY, TUESDAY, MAY 9, 2000

### **HOUSE JOINT RESOLUTIONS FOR PERFECTION**

- 1 HJR 40, as amended, HA 3, pending - Graham (24)
- 2 HJR 45, HCA 1 - Scheve
- 3 HJR 51 - Clayton

### **HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1747 - Barry
- 2 HB 2102 - Hampton
- 3 HB 1066, HCA 1 - Riback Wilson (25)
- 4 HB 1280 - Clayton
- 5 HB 1502 - Smith
- 6 HCS HB 1547 - Scheve
- 7 HCS HB 1962, 1943, 1425 & 1419 - Dougherty
- 8 HB 1546 - Smith

1501 *Journal of the House*

- 9 HCS HB 1606 - Bray
- 10 HCS HB 1225 - Hosmer
- 11 HCS HB 1540 - Green
- 12 HCS HB 1942 - Liese
- 13 HCS HB 1578 - Shelton
- 14 HB 2056 - Gunn
- 15 HCS HB 1718 - Smith
- 16 HCS HB 1966 - Hosmer
- 17 HCS HB 1997 - Smith
- 18 HCS HB 1336 - Lakin
- 19 HCS HB 1780 - Liese
- 20 HCS HB 1816 - Hosmer
- 21 HCS HB 1357 - Bonner
- 22 HB 1872 - Seigfreid
- 23 HCS HB 1674 - Graham (24)
- 24 HCS HB 1154 - Boucher
- 25 HCS HB 2114 - Hoppe
- 26 HCS HB 1649 - Williams (121)
- 27 HB 1216 - Kelly (27)
- 28 HB 1157, HCA 1 - Boucher

**HOUSE BILLS FOR PERFECTION - INFORMAL**

- 1 HCS HB 1602, as amended - Leake
- 2 HB 1712 - McKenna
- 3 HS HB 1394, as amended - Murray

**HOUSE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING**

HCR 31, (5-1-00, pg. 1158) - Hollingsworth

**HOUSE BILLS FOR THIRD READING - CONSENT**

- 1 HB 1828 - Gross
- 2 HB 1095 - Richardson
- 3 HB 1358 - Loudon
- 4 HB 1275 - Chrismer

**SENATE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING**

SCR 39, (4-13-00, pg. 953) - Clayton

**SENATE JOINT RESOLUTION FOR THIRD READING**

SJR 50 - Scheve

**SENATE BILLS FOR THIRD READING**

- 1 HCS SB 724 - Farnen
- 2 SB 1053 - Days
- 3 HCS SB 936, E.C. - Bray

- 4 HCS SS SCS SB 763, (Fiscal Review, 5-3-00) - Kissell
- 5 HCS SB 922, as amended, HA 4, pending - Hagan-Harrell
- 6 HCS SS SCS SB 678 & 742, (Fiscal Review, 5-2-00) - May (108)
- 7 HCS SS SB 902 - Treadway
- 8 SCS SB 557 - Smith
- 9 SS SCS SB 867 & 552, (Fiscal Review, 5-2-00) - Scheve
- 10 HCS SS#2 SCS SB 934, 546, 578, 579 & 782 - Hosmer
- 11 HCS SS#2 SCS SB 757 & 602, (Fiscal Review, 5-4-00) - Scheve
- 12 SCS SB 540 - Wiggins
- 13 HCS SS SCS SB 925, E.C. - Williams (159)
- 14 HCS SB 996 - Hosmer
- 15 HCS SCS SB 842, E.C., (Fiscal Review, 5-4-00) - Hoppe
- 16 HCS SB 921 - Treadway
- 17 SB 892, (Fiscal Review, 5-4-00) - Crump
- 18 HCS SCS SB 683, (Fiscal Review, 5-5-00) - Koller
- 19 HCS SS SCS SB 885, (Fiscal Review, 5-5-00) - Smith
- 20 HCS SB 573, E.C., (Fiscal Review, 5-5-00) - Kissell
- 21 HCS SB 974, (Fiscal Review, 5-5-00) - Lakin
- 22 HCS SCS SB 806 & SB 537, E.C., (Fiscal Review, 5-5-00) - Britt
- 23 HCS SB 851 - Kreider
- 24 HCS SCS SB 597, (Fiscal Review, 5-5-00) - Dougherty
- 25 HCS SB 722 - Smith
- 26 SB 910 - Abel
- 27 HCS SS SCS SB 926, E.C., (Fiscal Review, 5-8-00) - Scheve
- 28 SCS SB 685 - Curls

#### **SENATE BILLS FOR THIRD READING - INFORMAL**

- 1 HCS SCS SB 894 - Hoppe
- 2 HCS SCS SB 542 - Hoppe
- 3 SCS SB 779 - Wiggins

#### **HOUSE BILLS WITH SENATE AMENDMENTS**

- 1 HCS HB 1967, SA 1 to SCA 1, SCA 1, as amended, & SA 1, E.C. - Hoppe
- 2 SCS HB 1396 - Farnen

#### **BILL CARRYING REQUEST MESSAGE**

HS HCS SB 896, as amended,  
(req. House recede on HA 9 & HA 12/take up and pass bill) - May (108)

#### **BILLS IN CONFERENCE**

- 1 SCS HB 1591 - Backer
- 2 HS HCS SS SB 549, as amended - Van Zandt
- 3 HCS SS SB 813, as amended - Kissell
- 4 CCR HS HCS SB 881, as amended - Hoppe
- 5 CCR SCS HB 1848 - Treadway

1503 *Journal of the House*

- 6 CCR SS SCS HB 1808, as amended, E.C. - O'Toole
- 7 CCR HCS SB 944, as amended - Smith
- 8 HS HCS SB 788, as amended - Barry
- 9 HS HCS SB 856, as amended - Harlan
- 10 SCS HB 1948 - Gratz
- 11 HS SB 961, as amended, E.C. - Ransdall

**HOUSE RESOLUTIONS**

- 1 HR 557, (5-1-00, pg. 1160) - Gratz
- 2 HR 504, (5-1-00, pg. 1159) - Gratz